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**Department
of
Pesticide
Regulation**

2003

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Title 3. Food and Agriculture

Division 6. Pesticides and Pest Control Operations



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California Code of Regulations Title 3. Food and Agriculture

Division 6. Pesticides and Pest Control Operations

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May 16, 2003

TO: Enforcement Manual Holders

Enclosed is the text of the Title 3, California Code of Regulations (3 CCR) Division 6. Pesticides and Pest Control Operations related to the possession, sale, and use of pesticides in California as effective April 30, 2003.

The following sections of 3 CCR were amended, adopted or repealed during 2003. Refer to the table below:

3 CCR Section	Action Taken	Date Effective	Page Number(s)
6000	Amended	4/24/03	1-8
6550	Amended	1/4/03	127-129
6622	Amended	1/2/03	139-140
6650	Amended	1/4/03	146
6710	Repealed / Adopted	4/24/03	155-156

Changes to the text of regulations in 2003 are indicated by strike-out marks or underlined for easy reference.

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CALIFORNIA CODE OF REGULATIONS

Table of Contents

	Section(s)	Page(s)
DIVISION 6. PESTICIDES AND PEST CONTROL OPERATIONS		
CHAPTER 1. PESTICIDE REGULATORY PROGRAM		
SUBCHAPTER 1. DEFINITION OF TERMS		
Article 1. Definitions for Division 6	(6000)	1- 8
SUBCHAPTER 2. PROGRAM CERTIFICATION		
Article 1. Purpose	(6100-6102)	10-11
Article 2. Standards	(6110-6118)	12-13
Article 3. Consultation	(6122)	14
SUBCHAPTER 3. AGRICULTURAL COMMISSIONER PENALTIES		
Article 1. Guidelines	(6130)	15-16
SUBCHAPTER 4. INSPECTION AND INVESTIGATION PROCEDURES		
Article 1. Inspection, Copying and Sampling	(6140-6141)	17
SUBCHAPTER 5. SUNSET REVIEW OF REGULATIONS		
Article 1. Sunset Review Schedule	(6142)	18
CHAPTER 2. PESTICIDES		
SUBCHAPTER 1. PESTICIDE REGISTRATION		
Article 1. General Provisions	(6145-6168)	19- 25
Article 2. Registration Requirements	(6170-6172)	27-29
Article 3. Supplemental Data Requirements	(6176-6199.7)	30-50
Article 4. Conditional Registration	(6200)	51-52
Article 5. Exemptions	(6205-6206)	53
Article 6. Adverse Effects Disclosure	(6210)	54
Article 7. Renewals	(6215)	55
Article 8. Re-evaluation Criteria	(6220-6228)	56- 58
Article 9. Trade Secrets	(6230-6231)	59
Article 10. Labeling	(6235-6243)	60- 62
Article 11. Subpackaging	(6247)	63
Article 12. Consultation and Public Review	(6252-6256)	64- 66
Article 13. Research Authorization	(6260-6272)	67- 69
Article 14. Violations	(6300-6362)	70- 71

CALIFORNIA CODE OF REGULATIONS

Table of Contents

	Section(s)	Page(s)
DIVISION 6. PESTICIDES AND PEST CONTROL OPERATIONS		
CHAPTER 2. PESTICIDES		
SUBCHAPTER 2. CANCELLATION AND SUSPENSIONS		
Article 2. Suspensions	(6370-6379)	72
SUBCHAPTER 3. ASSESSMENTS		
Article 1. Mill Assessment Collection	(6380-6388)	73- 74
Article 2. Mill Assessment Disbursement Criteria	(6390-6397)	75- 77
SUBCHAPTER 4. RESTRICTED MATERIALS		
Article 1. Restricted Materials	(6400-6402)	78- 81
Article 2. Possession and Use Limitations	(6404-6417)	82- 84
Article 3. Permit System	(6420-6444)	85- 91
Article 4. Use Requirements	(6450-6489)	92-114
SUBCHAPTER 5. PRODUCE CARRYING PESTICIDE RESIDUE		
Article 1. Tolerances and Exemptions	(6490-6492)	115
CHAPTER 3. PEST CONTROL OPERATIONS		
SUBCHAPTER 1. LICENSING		
Article 1. General License Requirements	(6500-6514)	117-120
Article 2. Agricultural Pest Control Operator Licenses	(6520-6524)	121-124
Article 3. Qualified Applicators	(6530-6534)	125
Article 4. Pest Control Aircraft Pilot's Certificates	(6540-6544)	126
Article 5. Agricultural Pest Control Adviser Licenses	(6550-6557)	127-130
Article 6. Agricultural Pesticide Dealer Licenses	(6560-6574)	131-134
SUBCHAPTER 2. WORK REQUIREMENTS		
Article 1. Pest Control Operations Generally	(6600-6628)	135-144
Article 2. Pest Control Business Operations	(6630-6636)	145
Article 3. Protection Of Bees	(6650-6656)	147-149
Article 4. Storage, Transportation And Disposal	(6670-6686)	150-152

CALIFORNIA CODE OF REGULATIONS**Table of Contents**

	Section(s)	Page(s)
DIVISION 6. PESTICIDES AND PEST CONTROL OPERATIONS		
SUBCHAPTER 3. PESTICIDE WORKER SAFETY		
Article 1. General Scope And Purposes	(6700-6716)	153-157
Article 2. General Safety Requirements	(6720-6746)	158-173
Article 3. Field Worker Safety	(6760-6778)	174-185
SUBCHAPTER 3. PESTICIDE WORKER SAFETY		
Article 4. Fumigation	(6780-6784)	186-189
Article 5. Minimal Exposure Pesticides	(6790-6793)	190-191
Article 6. Use Requirements	(6795)	192
CHAPTER 4. ENVIRONMENTAL PROTECTION		
SUBCHAPTER 1. GROUNDWATER		
Article 1. Pesticide Contamination Prevention	(6800-6808)	194-217
SUBCHAPTER 2. AIR		
Article 1. Toxic Air Contaminants	(6860-6890)	218-219
Article 2. Volative Organic Compounds	(6895)	220
SUBCHAPTER 3. AQUATIC AND MARINE ENVIRONMENTS		
Article 1. Pesticide Contamination Protection	(6900-6920)	221

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California Code of Regulations
Title 3. Food and Agriculture
Division 6. Pesticides and Pest Control Operations
Chapter 1. Pesticide Regulatory Program
Subchapter 1. Definition of Terms
Article 1. Definitions for Division 6

6000. Definitions.

"**Agricultural commodity**," for the purpose of this chapter, means an unprocessed product of farms, ranches, nurseries and forests (except livestock, poultry and fish). Agricultural commodities include fruits and vegetables; grains, such as wheat, barley, oats, rye, triticale, rice, corn and sorghum; legumes, such as field beans and peas; animal feed and forage crops; rangeland and pasture; seed crops; fiber crops such as cotton; oil crops, such as safflower, sunflower, corn and cottonseed; trees grown for lumber and wood products; nursery stock grown commercially; Christmas trees; ornamentals and cut flowers; and turf grown commercially for sod.

"**Application block**" means a field or portion of a field treated in a 24-hour period that typically is identified by visible indicators, maps, or other tangible means.

"**Applied to the soil**" or "applied to the ground" means the labeling of a pesticide product includes terminology such as:

- (a) Soil fumigant;
- (b) Soil applied;
- (c) Soil treatment product;
- (d) Can be used as a soil drench;
- (e) Application to soil;
- (f) Inject into the soil;
- (g) Incorporate in top (x) inches of soil; pre-plant incorporation;
- (h) Use on soil for control of soil-borne diseases;
- (i) Surface application; band treatment, surface blend;
- (j) Side dressing both/one side of row and cultivate into soil;
- (k) Should be mixed uniformly into top (x) inches of soil;
- (l) Pre-emergent to the weed;
- (m) Broadcast to the soil;
- (n) Apply in seed furrow.

"**Assure**" or "**Ensure**" means to take all reasonable measures so that the behavior, activity, or event in question occurs. When the behavior, activity, or event in question involves or concerns an employee, reasonable measures by an employer include determining that the employee has the knowledge to comply; providing the means to comply; supervising the work activity; and having and enforcing a written workplace disciplinary action policy covering the employer's requirements, as well as other measures required by pesticide law or this division.

"**Branch location**" means any location, other than the principal place of business, operated by a pesticide dealer or agricultural pest control operator to carry out licensed activities in California.

"**Buffer zone**" means an area that surrounds a pesticide application block in which certain activities are restricted for a specified period of time to protect human health and safety from existing or potential adverse effects associated with a pesticide application.

6000. Definitions., continued

"**Carbamates**" means esters on N-methyl carbamic acid which inhibit cholinesterase.

"**Certified commercial applicator**" means:

- (a) A person holding a valid qualified license issued by the director;
- (b) A pilot holding a valid journeyman pest control aircraft pilot's certificate issued by the director;
- (c) A person holding a certified technician certificate issued by the Vector Biology and Control Section of the Department of Health Services;
- (d) A person holding a valid structural pest control operator or field representative license issued by the Structural Pest Control Board of the Department of Consumer Affairs; and
- (e) A person holding a valid qualified applicator certificate by the director.

"**Certified private applicator**" (PAC) means a private applicator holding a valid private applicator certificate issued by the commissioner (or the director in any county where there is no commissioner).

"**Chemical resistant**" or "**waterproof**" means a material that allows no measurable movement of the pesticide through it during use. When a specific material is specified on pesticide product labeling, personal protective equipment constructed of that material shall be used.

"**Chemigation**" means the application of pesticides through irrigation systems.

"**Closed system**" means a procedure for removing a pesticide from its original container, rinsing the emptied container and transferring the pesticide product, mixtures and dilutions and rinse solution through connecting hoses, pipes and couplings that are sufficiently tight to prevent exposure of any person to the pesticide or rinse solution. Rinsing is not required when the pesticide is used without dilution. The system's design and construction shall meet the director's closed system criteria.

"**Commercial applicator**" means a person who uses or supervises the use of a pesticide for any purpose or on any property other than as provided by the definition of private applicator.

"**Conflict with labeling**" means any deviation from instructions, requirements or prohibitions of pesticide product labeling concerning storage, handling or use except:

- (a) A decrease in dosage rate per unit treated;
- (b) A decrease in the concentration of the mixture applied;
- (c) Application at a frequency less than specified;
- (d) Use to control a target pest not listed, provided the application is to a commodity/site that is listed and the use of the product against an unnamed pest is not expressly prohibited;
- (e) Employing a method of application not expressly prohibited, provided other directions are followed;
- (f) Mixing with another pesticide or with a fertilizer, unless such mixing is expressly prohibited;
- (g) An increase in the concentration of the mixture applied, provided it corresponds with the current published UC Pest Management Guidelines of the University of California, which are available from their Statewide Integrated Pest Management Project, One Shields Avenue, Davis, California 95616, or on-line at <http://www.ipm.ucdavis.edu>; or
- (h) The use of personal protective equipment consistent with the exceptions and substitutions in section 6738.

"**Continuous monitoring**" means the measurement of the air concentration of a specific pesticide on an uninterrupted, real-time basis by instrumental methods.

6000. Definitions., continued

"Course" means any course, class, or program offered by a provider of continuing education approved pursuant to section 6512.

"Coverall" means a one- or two-piece garment of closely woven fabric or equivalent that covers the entire body, except the head, hands, and feet, and must be provided by the employer as personal protective equipment. Coverall differs from, and should not be confused with, work clothing that can be required to be provided by the employee.

"Display" means to make information available to the employee so that he or she may readily see and read the document, during normal business hours, without having to make a specific request of any person. An employee shall not be hindered or impeded from examining documents required to be displayed. This definition does not preclude using a binder or filing cabinet, that otherwise meets these criteria, to contain documents for display.

"Early entry" means entry into a treated field or other area after the pesticide application is complete, but before the restricted entry interval or other restrictions on entry for that pesticide have expired.

"Employee" means any person who, for any kind of compensation, performs work, services, or activities covered by this division.

"Employer" means any person who exercises primary direction and control over the work, services, or activities of an employee. A foreman, crew leader, supervisor, or similarly situated person represents the employer when hiring an employee or when exercising, or having responsibility for exercising, the primary direction and control, but is not considered the employer himself or herself.

"Enclosed cab" means a chemical resistant barrier that completely surrounds the occupant(s) of the cab and meets those portions of the requirements in American Society of Agricultural Engineers Standard S-525 (Rev. 5/98) that pertain to dermal protection.

"Enclosed cab acceptable for respiratory protection" means an enclosed cab that incorporates a dust/mist filtering and /or a vapor or gas removing air purification system, as appropriate for the exposure situation. Enclosed cabs certified by the manufacturer as meeting American Society of Agricultural Engineers Standard S-525 (Rev. 5/98) are acceptable under this definition. The Director may, upon request, approve other enclosed cabs as acceptable under this definition.

"Examination" means written examination.

"Ethical review" means an evaluation of a human pesticide exposure study protocol that focuses on the rights, safety, and welfare of the human participants. Key elements of the review include informed consent, freedom from coercion, recruitment criteria, risk versus benefit, and safety issues.

"Feasible" means capable of being accomplished in a successful manner, within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

"Feasible alternatives" means other chemical or non-chemical procedures which can reasonably accomplish the same pest control function with comparable effectiveness and reliability, taking into account economic, environmental, social, and technological factors and timeliness of control.

"Feasible mitigation measure" means a condition attached to the approval of an activity which, if implemented, would substantially reduce any adverse impact, taking into account economic, environmental, social, and technological factors and timeliness of control.

6000. Definitions., continued

"Field" means any area (including a greenhouse) upon which one or more agricultural plant commodities (including forest and nursery products) are grown for commercial or research production. Field does not include range or pasture harvested by grazing animals.

"Fieldworker" means any person who, for any kind of compensation, performs cultural activities in a field. Fieldworker does not include persons performing tasks as a crop advisor, including field checking or scouting, making observations of the well being of the plants, or taking samples, nor does it include local, state, or federal officials performing inspection, sampling, or other similar official duties.

"Fumiscope®" is a monitoring instrument that measures the concentration of methyl bromide inside a structure in ounces per 1,000 cubic feet. (The analytical detection limit of a Fumiscope® is 250 parts per million [ppm]).

"Greenhouse" means a structure or space, of sufficient size to permit entry, that is enclosed with a nonporous covering and used in the commercial or research production of an agricultural plant commodity. The term includes polyhouses, mushroom houses, rhubarb houses and similar structures.

"Ground-based application equipment" means equipment such as:

- (a) Hand sprayers;
- (b) Backpack sprayers;
- (c) Air-blast sprayers;
- (d) Field soil injection equipment;
- (e) Dusters;
- (f) Drills;
- (g) Granular applicators; or
- (h) Ground-rig sprayers.

"Groundwater protection advisory" means a written statement containing advice for the use of a pesticide product containing a chemical listed in Section 6800(a) in its respective Pesticide Management Zone(s) and includes the information listed in Section 6557.

"Hand labor" means any cultural activity, performed by hand or with hand tools, that causes substantial contact with surfaces (such as plants or soil) that may have pesticide residues. These activities include hand harvesting, detasseling, thinning, hand weeding, topping, planting, sucker removal, pruning, disbudding, roguing, and packing produce into containers in the field. Hand labor does not include operating, moving, or repairing irrigation equipment or performing the duties of a crop advisor, field checker, or scout, making observations of the well being of the plants, or taking samples.

"Handle" means mixing, loading, transferring, applying (including chemigation), or assisting with the application (including flagging) of pesticides, maintaining, servicing, repairing, cleaning, or handling equipment used in these activities that may contain residues, working with opened (including emptied but not rinsed) containers of pesticides, adjusting, repairing, or removing treatment site coverings, incorporating (mechanical or watered-in) pesticides into the soil, entering a treated area during any application or before the inhalation exposure level listed on pesticide product labeling has been reached or greenhouse ventilation criteria have been met, or performing the duties of a crop advisor, including field checking or scouting, making observations of the well being of the plants, or taking samples during an application or any restricted entry interval listed on pesticide product labeling. Handle does not include local, state, or federal officials performing inspection, sampling, or other similar official duties.

6000. Definitions., continued

"**Home use**" means use in a household or its immediate environment.

"Human Participant" means a living person who participates in a human pesticide exposure study conducted in order to obtain (1) data through intervention or interaction with the participant, or (2) identifiable private information. Intervention, as used in this definition, includes both physical procedures by which data are gathered and manipulations of the participant or the participant's environment that are performed for research purposes. Interaction, as used in this definition, includes communication or interpersonal contact between the investigator and human participant. Private information, as used in this definition, includes information about behavior that occurs in a context in which a participant can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by a participant and which the participant can reasonably expect will not be made public. Private information must be individually identifiable in order for the acquisition of that information to constitute research involving human participants. Individually identifiable means that the identity of the participant is or may readily be ascertained by the investigator or associated with the information.

"**Industrial use**" means use for or in a manufacturing, mining or chemical process; or use in the operation of factories, processing plants, and similar sites.

"Institutional Review Board (IRB)" means an objective committee whose purpose is to review protocols of human pesticide exposure studies to ensure the safety and general welfare of the human participants, and to guarantee that their human rights are not violated. The Institutional Review Board shall meet the requirements as specified in Title 40 Code of Federal Regulations, (Protection of the Environment), Part 26, (Protection of Human Subjects), when conducting a review of a protocol.

"**Institutional use**" means use within the confines of, or on property necessary for the operation of, buildings such as hospitals, schools, libraries, auditoriums and office complexes.

"**Medical supervision**" means occupational health guidance and necessary associated health evaluation by a physician licensed to practice medicine.

"**Notice of Intent**" (NOI) means oral or written notification to the commissioner, as specified by the commissioner, prior to the use of a pesticide pursuant to a permit.

"**Nursery**" means any operation engaged in the outdoor commercial or research production of cut flowers or ornamental cut greens or any plants that will be used in their entirety in another location.

"**Operator of the property**" means a person who owns the property and/or is legally entitled to possess or use the property through terms of a lease, rental contract, trust, or other management arrangement.

"**Organophosphates**" means organophosphorus esters which inhibit cholinesterase.

"**Person**" means any individual, partnership, association, corporation, business entity or organized group of persons whether incorporated or not.

"**Personal protective equipment**" (PPE) means apparel and devices worn to minimize human body contact with pesticides or pesticide residues that must be provided by an employer and are separate from, or in addition to, work clothing. PPE may include, chemical resistant suits, chemical resistant gloves, chemical resistant footwear, respiratory protection devices, chemical resistant aprons, chemical resistant headgear, protective eyewear, or a coverall (one- or two-piece garment).

6000. Definitions., continued

"**Pest management guides**" are manuals prepared by the department or University of California that include pest management information on specific crops and which have been adopted as a standard by the director.

"**Pesticide**" means:

(a) Any substance or mixture of substances that is a pesticide as defined in the Food and Agricultural Code and includes mixtures and dilutions of pesticides;

(b) As the term is used in Section 12995 of the Food and Agricultural Code, includes any substance or product that the user intends to be used for the pesticidal poison purposes specified in Sections 12753 and 12758 of the Food and Agricultural Code.

"**Pesticide exposure study**" means:

(a) A data gathering project that meets one or more of the following criteria:

(1) Human participants are to be directly exposed to the pesticide for the purpose of determining its pharmacokinetics or pharmacodynamics;

(2) Human participants are monitored and the use of the pesticide is not consistent with current accepted labeling or current regulations;

(3) Humans are exposed as the result of a contrived application in order to monitor exposure without routine pest control being a significant objective;

(4) Human participants are monitored for the purpose of satisfying initial or continuing registration requirements of the U.S. Environmental Protection Agency or the department; or

(5) Human participants are monitored to develop or contribute knowledge of pesticide exposure to be generalized to other populations.

(b) "Pesticide exposure study" does not include the following:

(1) Data collected for the purpose of satisfying an existing health standard for exposure monitoring or if it is understood that routine monitoring is a condition of employment;

(2) Unscheduled monitoring of persons in response to a medical emergency to identify possible sources of exposure;

(3) Monitoring conducted by a government agency or by an employer, to determine the workplace exposure of his or her employees.

(4) Monitoring requested by an individual or group of individuals to determine personal exposure levels.

(5) The analysis or evaluation, after the human participant involvement has ceased, of existing or previously collected data, documents, records, specimens, or samples, if these sources are publicly available or if the information is recorded by the study director in such a manner that the human participants cannot be identified, directly or through identifiers linked to the participants.

"**Pesticide Safety Information Series**" (PSIS) means a series of leaflets that summarize health and safety aspects of various pesticides and groups of pesticides.

"**Pesticides in toxicity category one**" means pesticide products which are required to prominently display the signal word "DANGER" on the label.

"**Pesticides in toxicity category two**" means pesticide products which are required to prominently display the signal word "WARNING" on the label.

"**Private applicator**" means:

(a) an individual who uses or supervises the use of a pesticide for the purpose of producing an agricultural commodity on property owned, leased, or rented by him/her or his/her employer; or

6000. Definitions., continued

(b) a householder who uses or supervises the use of a pesticide, outside the confines of a residential dwelling for the purpose of controlling ornamental, plant or turf pests on residential property owned, leased, or rented by that householder.

"Qualified applicator certificate holder" (QAC) means a person who has qualified by examination in one or more pest control categories to supervise pesticide applications. However, such qualification shall not entitle the holder to supervise the operations of a pest control business licensed pursuant to section 11701 of the Food and Agricultural Code, except as provided in section 11704.

"Qualified applicator licensee" (QAL) means a person who has qualified by examination in one or more pest control categories to supervise the pesticide applications made by a pest control business licensed pursuant to sections 11701 to 11709, inclusive, of the Food and Agricultural Code, and who is responsible for safe and legal operations under such license.

"Restricted entry interval" (REI) means the period of time after a field is treated with a pesticide during which restrictions on entry are in effect to protect persons from potential exposure to hazardous levels of residues. An REI may be found on pesticide product labeling or in regulation.

"Regularly handle" means that the employee is handling pesticides during any part of the day for more than six calendar days in any 30 consecutive day qualifying period beginning on the first day of handling. Any day spent or loading pesticides while exclusively using a closed system or mixing only pesticides sealed in water-soluble packets is not included for any employee who has a baseline blood cholinesterase level established pursuant to section 6728(c)(1).

"Site specific" means a pesticide permit that identifies the specific area to be treated, the size of that area, and the commodity(ies) or site(s) on that area to be treated.

"Solicits services or sales", as used in section 11410 of the Food and Agricultural Code, means sells, or offers for sale, any pesticide, method, or device outside of a fixed place of business.

"Structural use" means a use requiring a license under Chapter 14 (commencing with section 8500), Division 3 of the Business and Professions Code.

"Study director" means the individual responsible for the overall conduct of a research project.

"Substantial drift" means the quantity of pesticide outside of the area treated is greater than that which would have resulted had the applicator used due care. This definition is applicable to section 12972 of the Food and Agricultural Code and section 6614 of Title 3, California Code of Regulations.

"Time specific" means a pesticide permit that specifies the date the intended application is to commence or permit with a notice of intent requirement. The pesticide use may commence within four days following such date if delays are caused by uncontrollable conditions such as adverse weather or unavailability of equipment. The commissioner shall require a notice of intent from either the grower, the grower's authorized representative, or the pest control business when necessary to make the permit time and site specific.

"Treated field" means a field that has been treated with a pesticide or had a restricted entry interval in effect within the last 30 days. A treated field includes associated roads, paths, ditches, borders, and headlands, if the pesticide was also directed to those areas. A treated field does not include areas inadvertently contaminated by drift or over spray.

6000. Definitions., continued

"**Use**" means any pesticide related activity including:

- (a) Pre-application activities, including:
 - (1) Arranging for the application;
 - (2) Mixing or loading; and
 - (3) Making necessary preparations for the application, including responsibilities related to notification, handler training, decontamination facilities, use and care of personal protective equipment, medical monitoring and assistance, and heat stress management;
- (b) Application of the pesticide;
- (c) Post-application activities, including:
 - (1) Control of the treated area to reduce exposure, including responsibilities for restricted entry intervals, warnings, decontamination facilities, medical assistance, and fieldworker training;
 - (2) Management of the treated area, crop, or crop by-products, including responsibilities for preharvest intervals and plant back restrictions;
 - (3) Transportation, storage, and disposal of excess pesticides, spray mix, equipment wash water, and pesticide containers; and
 - (4) Cleaning of application equipment and other pesticide containing materials.
- (d) Use does not include:
 - (1) Activities where involvement is only incidental to other tasks such as emergency responders providing incident management, commercial transportation of pesticide related waste for disposal or recycling, or a waste disposal or recycling facility accepting or handling these wastes; or
 - (2) Manufacturing, formulating, or packaging (including bulk repackaging) by a registered pesticide producing establishment.

"**Veterinarian**" means a person licensed to practice veterinary medicine in California.

"**Weed oil**" means a pesticide, the label of which states that the product may be used, by itself, to control weeds, and which contains 70 percent or more of the following active ingredients: petroleum hydrocarbons, mineral oil, petroleum oil, petroleum distillates, and/or aromatic petroleum distillates.

"**Work clothing**" means garments such as long-sleeved shirts, short-sleeved shirts, long pants, short pants, shoes, and socks. Work clothing is not considered personal protective equipment although pesticide product labeling or regulations may require specific work clothing during some activities. Work clothing differs from and should not be confused with a coverall. While coveralls shall be provided by the employer, work clothing can be required to be provided by the employee. Short sleeved shirts and short pants are considered acceptable work clothing only under conditions expressly permitted by pesticide product labeling.

NOTE: Authority cited: Sections 11456, 11502, 12111, 12781, 12976, 12981, and 14005, Food and Agricultural Code. Reference: Sections 11408, 11410, 11501, 11701, 11702(b), 11704, 11708(a), 12042(f), 12103, 12971, 12972, 12973, 12980, 12981, 13145, 13146, and 14006, Food and Agricultural Code.

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Chapter 1. Pesticide Regulatory Program
Subchapter 2. Program Certification
Article 1. Purpose

6100. Purpose.

(a) This article provides for the submittal of the pesticide regulatory program to the Secretary of Resources for certification. This article is contingent on certification of the pesticide regulatory program by the Secretary of the Resources Agency, and shall expire if and when the pesticide regulatory program is not certified. The submittal for certification under Section 21080.5 of the Public Resources Code, provides for environmental review of the pesticide regulatory program which is to be achieved in view of the findings of the Legislature in Section 1, Chapter 308, Statutes 1978, which are as follows:

- (1) Agriculture is a major and essential component of California's economy.
- (2) The proper, safe, and efficient use of pesticides is essential for the protection and production of agricultural commodities and for health protection.
- (3) Timeliness in the application of pesticides is paramount in good pest management and is essential in the prevention of economic waste.
- (4) Reasonable environmental review of such pesticide use is prudent and appropriate.
- (5) Individual permits to apply pesticides must often be issued on short notice, thereby making impracticable the type of environmental review which would occur if the issuance of such permits was subject to the preparation of an environmental impact report or a negative declaration pursuant to the requirements of Division 13 of the Public Resources Code.
- (6) Preparation of environmental impact reports and negative declarations for pesticide permits would be an unreasonable and expensive burden on California agriculture and health protection agencies.
- (7) For the purposes of this article, any county agricultural commissioner shall be considered a state agency. Under authority of the Food and Agricultural Code, each commissioner shall administer the local enforcement of the pesticide regulatory program under the supervision of the director.
- (8) The procedures for governmental review of pesticide recommendations and use shall not unnecessarily burden permit applicants or require such applicants to furnish unnecessary information.

(b) This section and Sections 6122, 6408, 6410, 6422, 6424, 6426, 6428, 6430, 6432, 6434 and 6436 shall expire if and when the department's Pesticide Regulatory Program is not certified pursuant to Section 21080.5 of the Public Resources Code.

NOTE: Authority cited: Sections 11456, 12781 and 14005, Food and Agricultural Code.

Reference: Section 11501, Food and Agricultural Code; and Chapter 308, Statutes of 1978.

6102. Severance.

If any provision of division 4, chapter 1, subchapter 2, articles 4, 5, 7, 11 and 20 or division 6, chapter 2, subchapter 4 or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions of the cited articles or application of the articles which can be given effect without the invalid provision or application, and to this end the provisions of the cited articles are severable.

6102. Severance., continued

NOTE: Authority cited: Sections 11456, 12781, 12981 and 14005, Food and Agricultural Code.
Reference: Section 11501, Food and Agricultural Code; and Chapter 308, Statutes of 1978.

Chapter 1. Pesticide Regulatory Program
Subchapter 2. Program Certification
Article 2. Standards

6110. Public Reports.

(a) When the director proposes to amend, adopt, or repeal a standard or regulation of the pesticide regulatory program or is reviewing a county regulation pursuant to Section 11503 of the Food and Agricultural Code, a public report shall be prepared allowing 45 days for the public to review each proposal. The public report shall be posted on the official bulletin boards of the department, and of each commissioner's office, and in each District office of the Division of Pest Management, Environmental Protection and Worker Safety for 45 days. "Standard," as used in this article, means pest management guidelines, restricted materials hazard chart, pesticide safety information series, and similar documents.

(1) Each public report shall include a summary of the proposal and shall be sent to any person upon written request. In addition, the public agencies to be consulted pursuant to Section 6252 shall be sent a copy of the public report. The director may develop a schedule of actual cost for the reproduction of public reports to be charged to those requesting copies.

(2) Each public report shall describe the activities of the pesticide regulatory program that will be affected by the proposal and a summary of existing statutes related to the proposal.

(3) Each public report shall include a statement of any significant adverse environmental effect that can reasonably be expected to occur, directly or indirectly, from implementing the proposal, and a statement of any reasonable mitigation measures that are available to minimize significant adverse environmental impact.

(4) Each public report shall also contain a statement and discussion of reasonable alternatives which would reduce any significant environmental impact.

(5) The availability of the public report shall be noted in any notices of any proceeding on the proposal.

(b) The evaluation of proposed changes shall follow any hearing or other consultation with the public, and the director shall consider all applicable factors including the following in evaluating the proposal:

(1) The adequacy of the proposal in achieving the purposes of the pesticide regulatory program as provided in Section 11501 of the Food and Agricultural Code.

(2) The consistency of the proposal with the intent and provisions of Section 21080.5 of the Public Resources Code.

NOTE: Authority cited: Sections 11456, 12781 and 14005, Food and Agricultural Code.

Reference: Section 21080.5, Public Resources Code; and Sections 11501 and 11503, Food and Agricultural Code.

6116. Notice of Final Decision.

(a)(1) The final action taken regarding a standard or regulation in which a significant adverse environmental point was raised during the evaluation process shall include a written evaluation of such points approved by the director.

6116. Notice of Final Decision., continued

(2) The director shall not adopt a standard or regulation which would cause a significant adverse environmental impact if there is a feasible alternative or feasible mitigation measure available which would substantially lessen any significant adverse impact which implementation of the proposal may reasonably be expected to have on the environment.

(b) After adopting a standard or regulation affecting the pesticide regulatory program, the director shall file a Notice of Decision with the Secretary of the Resources Agency for posting. The notice shall be available for public inspection, and remain posted for a period of 30 days at the Resources Agency.

NOTE: Authority cited: Sections 11456, 12781, 12981 and 14005, Food and Agricultural Code.
Reference: Section 11501, Food and Agricultural Code.

6118. Emergency Actions.

The director shall prepare a public report on proposed emergency standards or regulations relative to the pesticide regulatory program. Insofar as possible, each report shall be available in advance of the emergency adoption of proposed standards or regulations. Comments from the general public and public agencies shall be solicited pursuant to the Administrative Procedure Act.

NOTE: Authority cited: Sections 11456, 12781 and 14005, Food and Agricultural Code.
Reference: Section 14103, Food and Agricultural Code; and Chapter 308, Statutes of 1978.

Chapter 1. Pesticide Regulatory Program
Subchapter 2. Program Certification
Article 3. Consultation

6122. Commissioner Consultation.

(a) At least quarterly and when notified by a responsible public agency of a violation of an applicable environmental standard, each commissioner shall consult with public agencies that have jurisdiction by law with respect to resources that may be affected by use of pesticides in the county. Such public agencies include, but are not limited to, agencies that are concerned with public and occupational health, air and water quality, fish and wildlife.

The consultation shall include the identification of past or potential problems associated with the use of pesticides, appropriate alternatives and mitigation measures, and appropriate permit conditions which substantially reduce any problem.

(b) The commissioner shall consult with the County Farm Advisor or other knowledgeable persons during critical pest control seasons in order to keep abreast of current pest conditions in the county. Such consultation shall be utilized to establish information to assist the evaluation of permit applications and notices of intent to apply a pesticide.

NOTE: Authority cited: Sections 11456, 12781, 12981 and 14005, Food and Agricultural Code.
Reference: Section 11501, Food and Agricultural Code; and Chapter 308, Statutes of 1978.

Chapter 1. Pesticide Regulatory Program
Subchapter 3. Agricultural Commissioner Penalties
Article 1. Guidelines

6130. Civil Penalty Actions by Commissioners.

(a) When taking civil penalty action pursuant to section 12999.5 of the Food and Agricultural Code, county agricultural commissioners shall use the provisions of this section to determine the violation class and the fine amount.

(1) for purposes of this section, violation classes shall be designated as "serious," "moderate," and "minor."

(A) "**Serious**": Violations that are repeat violations of those in subparagraph (B) or violations which created an actual health or environmental hazard. The fine range for serious violations is \$401-\$1,000.

(B) "**Moderate**": Violations that are repeat violations of those in subparagraph (C) or violations which posed a reasonable possibility of creating a health or environmental effect. The fine range for moderate violations is \$151-\$400.

(C) "**Minor**": Violations that did not create an actual health or environmental effect or did not pose a reasonable possibility of creating a health or environmental effect. The fine range for minor violations is \$50-\$150.

(2) The currently alleged violation shall be considered a repeat violation if the following criteria are met:

(A) The person against whom the civil penalty action is proposed had a prior violation that was, or would have been, in the same class as the currently alleged violation; and

(B) A civil penalty was levied for the prior violation within two years of the date of the Notice of Proposed Action by the county proposing the current action.

(3) The person charged with a violation(s) shall be notified of the proposed fine action, including the amount of the proposed fine(s). When a penalty is proposed resulting in a repeat violation, the Notice of Proposed Action shall identify the prior violation and the record of the proceedings shall include a copy of the decision regarding that prior violation. The commissioner shall send a copy of the notice to the department at the same time the notice is provided to the person charged with a violation(s).

(4) If the person against whom the commissioner levied a fine requested and appeared at the hearing offered by the commissioner, the commissioner's decision shall include information concerning the person's right to appeal the commissioner's decision to the Director.

(5) The Department, on at least an annual basis, shall inform commissioners of violations for which fines have been levied.

(b) When acting pursuant to Food and Agricultural Code section 12999.5 or Business and Professions Code section 8617, an agricultural commissioner may bring an action against an employed person who failed to utilize personal protective equipment or other safety equipment as required by section 6702(c) provided the commissioner determines that all of the following conditions are met:

- (1) The employed person is licensed or certified pursuant to Chapter 14, Division 3, of the Business and Professions Code; Chapters 5 or 8, Division 6, of the Food and Agricultural Code; or Chapters 3.4 or 3.6, Division 7, of the Food and Agricultural Code;

6130. Civil Penalty Actions by Commissioners., continued

(2) The employer provided the equipment to the licensee or certificate holder and the equipment was available at the work site in a condition that would have provided the safety or protection intended by the equipment;

(3) The employer, through its written workplace disciplinary action policy, required the licensee or certificate holder to utilize the equipment;

(4) The employer has complied with applicable training requirements of this Division prior to the time the licensee or certificate holder failed to utilize the equipment;

(5) The employer supervised the licensee or certificate holder to assure that the equipment was properly used by the licensee; and

(6) At the time of the licensee's or certificate holder's failure to utilize the equipment, the licensee or certificate holder has knowledge of the discipline that could be imposed under the employer's written workplace disciplinary action policy for failure to utilize the equipment.

NOTE: Authority cited: Sections 12781, 12976, 12981 and 15203, Food and Agricultural Code.
Reference: Sections 11892, 12973, 12997, 12999.5, and 15202, Food and Agricultural Code.

Chapter 1. Pesticide Regulatory Program
Subchapter 4. Inspection and Investigation Procedures
Article 1. Inspection, Copying and Sampling

6140. Inspection Authority.

(a) The director or commissioner may, during business hours, or if necessary to ensure immediate compliance, at any other reasonable time enter and inspect, and/or sample any of the following or related items in order to determine compliance with the provisions of this chapter and Divisions 6 and 7 of the Food and Agricultural Code, which pertain to pesticides and pest control operations.

(1) Fields, areas, structures, and greenhouses where pesticides are handled, stored or applied;
(2) Growing crops and harvested commodities;
(3) Equipment (including protective clothing and equipment) used to store, transport or handle pesticides;

(4) Change areas and other facilities used by employees; and
(5) Pesticides and tank mixtures thereof.

(b) Each person responsible, pursuant to the provisions of this Chapter and Division 6 and 7 of the Food and Agricultural Code which pertain to pesticides and pest control operations, for preparing and maintaining records, shall make those records available to the director or commissioner during business hours upon demand of the director or commissioner. The required records include:

(1) Records concerning work hours, training and medical monitoring of employees;
(2) Pest control recommendations and pesticide use and operations records; and
(3) Pesticide transaction, sales and delivery records.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 11456, 12980 and 12981, Food and Agricultural Code.

6141. Employee Interviews.

The director or commissioner may confidentially interview any employee during work hours when reasonably necessary for an investigation of employee illness(es) suspected of having been caused by a pesticide or to investigate a suspected pesticide related safety violation.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 11456, 12980 and 12981, Food and Agricultural Code.

Chapter 1. Pesticide Regulatory Program
Subchapter 5. Sunset Review of Regulations
Article 1. Sunset Review Schedule

6142. Sunset Review of Regulations.

(a) The Director shall review all regulations in Division 6 of Title 3 on a five-year cycle according to the following schedule:

- (1) Year one (commencing in 2000 and repeated every five years thereafter):
Chapter 1. Pesticide Regulatory Program, and Chapter 2. Pesticides, Subchapter 1;
- (2) Year two: (commencing in 2001 and repeated every five years thereafter):
Chapter 2. Pesticides, Subchapters 2, 3, 4, and 5;
- (3) Year three: (commencing in 2002 and repeated every five years thereafter):
Chapter 3. Pest Control Operations, Subchapters 1 and 2;
- (4) Year four: (commencing in 2003 and repeated every five years thereafter):
Chapter 3. Pest Control Operations, Subchapter 3;
- (5) Year five: (commencing in 2004 and repeated every five years thereafter):
Chapter 4. Environmental Protection.

(b) When determining whether a reviewed regulation should be retained, revised, or repealed, the Director will consult with the Secretary for Environmental Protection.

NOTE: Authority cited: Section 11456, Food and Agricultural Code. Reference: Section 11456, Food and Agricultural Code.

Chapter 2. Pesticides
Subchapter 1. Pesticide Registration
Article 1. General Provisions

6145. Intended to be Used.

A substance is considered to be "intended to be used," as the phrase is used in Sections 12753 and 12758 of the Food and Agricultural Code, and thus be a pesticide requiring registration, when:

(a) A person who distributes or sells the substance claims, states, or implies, by labeling or otherwise, that:

(1) The substance, either by itself or in combination with any other substance, can or should be used as a pesticide; or

(2) The substance consists of or contains an active ingredient and can be used to manufacture a pesticide; or

(b) A person who distributes or sells the substance has actual or constructive knowledge that the substance will be used, or is intended by the user to be used, as a pesticide; or

(c) The substance consists of or contains one or more active ingredients and has no significant commercially valuable use as distributed or sold other than:

(1) Use as a pesticide, by itself or in combination with any other substance; or

(2) Use in the manufacture of a pesticide.

NOTE: Authority cited: Section 121781, Food and Agricultural Code. Reference: Sections 12753 and 12758, Food and Agriculture Code.

6146. Liquid Chemical Sterilants.

(a) For purposes of this section, a "critical medical device" is any device that is introduced directly into the human body, either into or in contact with the bloodstream or normally sterile areas of the body, and a "semicritical medical device" is any device that contacts intact mucous membranes but which does not ordinarily penetrate the blood barrier or otherwise enter normally sterile areas of the body.

(b) Manufacturers of, importers of, and dealers in liquid chemical sterilant products (including any such products with subordinate disinfectant claims) intended for use on critical or semicritical medical devices (as device is defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. sec. 321), are exempt from the requirements of Division 7 of the Food and Agricultural Code, providing the following criteria are met:

(1) The product is not included in the federal definition of a pesticide under subdivision (u) of section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. sec.136(u)].

(2) The product has premarket clearance from the Federal Food and Drug Administration under section 510(k) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. sec. 360(k)].

(3) The product does not include ethylene oxide as an active ingredient.

(c) Whenever the manufacturer of, importer of, or dealer in any exempted liquid chemical sterilant has factual or scientific information of any adverse effect or risk to human health or the environment that has not previously been submitted to the department, the manufacturer, importer, or dealer shall report the information to the department within 60 days of learning of the information.

6146. Liquid Chemical Sterilants., continued

(d) Physicians, surgeons, and local health officers remain subject to the illness reporting requirements of Health and Safety Code section 105200 with regard to exempted liquid chemical sterilants.

NOTE: Authority cited: Section 12804, Food and Agricultural Code. Reference: Section 12804 Food and Agricultural Code.

6147. Exempted Pesticide Products.

(a) Manufacturers of, importers of, and dealers in the following pesticide products or classes of pesticide products are exempt from the requirements of Division 7 of the Food and Agricultural Code, provided the pesticide products are exempt pursuant to section 25(b)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. sec. 136w(b)(2)]:

(1) Pheromones and identical or substantially similar compounds labeled for use only in pheromone traps (or labeled for use in a manner which the Director determines poses no greater risk of adverse effects on the environment than use in pheromone traps), and pheromone traps in which those compounds are the sole active ingredient(s), as specified in 40 Code of Federal Regulations 152.25(b).

(2) Preservatives for biological specimens, including:

(A) Embalming fluids;

(B) Products used to preserve animal or animal organ specimens, in mortuaries, laboratories, hospitals, museums and institutions of learning; and

(C) Products used to preserve the integrity of milk, urine, blood, or other body fluids for laboratory analysis.

(3) Products consisting of foods that are used to attract pests and which contain no active ingredient(s).

(4) (A) Natural cedar blocks, chips, shavings, balls, chests, drawer liners, paneling, and needles that meet all of the following criteria:

1. The product consists totally of cedar wood or natural cedar.
2. The product is not treated, combined, or impregnated with any additional substance(s).
3. The product bears claims or directions for use solely to repel arthropods other than ticks or to retard mildew, and no additional claims are made in sale or distribution. The labeling must be limited to specific arthropods, or must exclude ticks if any general term such as "arthropods," "insects," "bugs," or any other broad inclusive term is used.

(B) The exemption does not apply to natural cedar products claimed to repel ticks. The exemption also does not apply to cedar oil, or formulated products, which contain cedar oil, other cedar extracts, or ground cedar wood as part of a mixture.

(5)(A) Products containing the following active ingredients alone or in combination with other substances listed in paragraph (5)(A), provided that all the criteria specified in paragraphs (5)(C) and (5)(D) are met:

6147. Exempted Pesticide Products., continued

Castor oil (U.S.P. or equivalent)	Linseed oil
Cedar Oil ¹	Malic acid ¹
Cinnamon	Mint
Cinnamon oil ¹	Mint oil ¹
Citric acid ¹	Peppermint ²
Citronella (non-topical uses only)	Peppermint oil ^{1,2}
Citronella oil (non-topical uses only)	2-Phenethyl propionate (2-phenylethyl propionate) ¹
Cloves ²	Potassium sorbate ¹
Clove oil ^{1,2}	Putrescent whole egg solids
Corn gluten meal	Rosemary ²
Corn oil	Rosemary oil ^{1,2}
Cottonseed oil	Sesame (includes ground sesame plant)
Dried blood	Sesame oil
Eugenol ^{1,2}	Sodium chloride (common salt)
Garlic	Sodium lauryl sulfate ^{1,2}
Garlic oil ¹	Soybean oil
Geraniol ²	Thyme ²
Geranium oil ²	Thyme oil ^{1,2}
Lauryl sulfate ¹	White pepper ¹
Lemongrass oil ¹	Zinc metal strips (consisting solely of zinc metal and impurities)

¹ Products containing 8.5% or more of this active ingredient in the formulated product must at a minimum bear the signal word "CAUTION," the phrase "Keep Out of Reach of Children," appropriate precautionary language, and a requirement for appropriate protective eyewear and gloves.

² Products containing this active ingredient intended for topical application to human skin must at a minimum bear the signal word "CAUTION," the phrase "Keep Out of Reach of Children," a dermal sensitization precautionary statement, a prohibition against application to the hands of children, and use directions requiring adult supervision during application to children.

(B) Topical use products containing less than or equal to 1% of the following active ingredients alone or in combination with each other, provided: the product label carries as a minimum the signal word "CAUTION," the phrase "Keep Out Of Reach of Children," a dermal sensitization precautionary statement, a prohibition against application to the hands of children, and use directions requiring adult supervision during application to children, and (ii) all the criteria specified in paragraphs (5)(C) and (5)(D) are met:

Citronella

Citronella oil

(C) A pesticide product exempt under paragraphs (5)(A) and (5)(B) of subsection (a) may include as inert ingredients only those substances listed in the U.S. Environmental Protection Agency's most current List 4A "Inerts of Minimal Concern." U.S. EPA's list of minimal risk inert ingredients is updated periodically and is published in the Federal Register.

6147. Exempted Pesticide Products., continued

(D) In addition, all of the following conditions must be met for products to be exempted under subsection (a)(5):

1. Each product containing the substance must bear a label identifying the name and percentage (by weight) of each active ingredient and the name of each inert ingredient.
2. The product must not bear claims either to control or mitigate microorganisms that pose a threat to human health, including but not limited to disease transmitting bacteria or viruses, or claims to control insects or rodents carrying specific diseases, including, but not limited to ticks that carry Lyme disease.
3. The product must not include any false and misleading labeling statements, including those listed in 40 CFR 156.10(a)(5)(i) through (viii).

(b) Whenever the manufacturer of, importer of, or dealer in any product exempted pursuant to this section has factual or scientific evidence of any adverse effect or risk to human health or the environment that has not previously been submitted to the department, the manufacturer, importer, or dealer shall report the evidence to the department within 60 days of learning of the information.

NOTE: Authority cited: Section 11456, 12781, and 12803, Food and Agricultural Code.

Reference: Section 12803, Food and Agricultural Code.

6151. Evaluation Time Frames.

The director shall complete the evaluation of data submitted pursuant to Section 6170 for a pesticide containing any active ingredient not currently registered by the director, or for any new major use within 120 days of receipt of all such data, and within 60 days of receipt of such data for all other pesticides. When additional specific data are requested, evaluation of it shall be completed within 30 days of receipt. During the evaluation of data, the director shall determine if the pesticide should be classified as a restricted material pursuant to Section 14004.5 of the Food and Agricultural Code.

NOTE: Authority cited: Sections 12781, 12976, 14004.5 and 14005, Food and Agricultural Code. Reference: Sections 12824 and 14004.5, Food and Agricultural Code.

6152. Brands.

(a) A pesticide may be registered under more than one brand name, but the same brand name cannot be registered for products of different chemical composition, or different physical condition sufficient to affect its pesticide properties.

(b) When a registrant submits revised labeling for a currently registered pesticide to the director, all changes from the previous labeling shall be clearly specified by the registrant.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

6153. Transfer of Registration.

A certificate of registration cannot be transferred if there is a change of business ownership, but a new application and fee are necessary.

NOTE: Authority cited: Sections 11456, 12781 and 14005, Food and Agricultural Code.
Reference: Sections 12751-12994, Food and Agricultural Code.

6154. Change of Name.

Change of the name of a registrant may be made without additional fee by submission of the following papers to the director:

- (a) The current certificate of registration;
- (b) A new completed application form; and
- (c) An affidavit of no change of business ownership.

NOTE: Authority cited: Sections 11456, 12781 and 14005, Food and Agricultural Code.
Reference: Sections 12751-12994, Food and Agricultural Code.

6156. Registration Date.

Registration of a pesticide shall become effective on the date the certificate of registration is issued. Such certificate shall not be issued if the director determines the pesticide is to be classified as a restricted material until the pesticide has been so classified.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12824, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

6157. Certification.

(a) Each applicant shall certify, by an authorized official of the registrant, under penalty of perjury that to the best of the applicant's knowledge, based upon all information available to the applicant, all information submitted in connection with the application for registration or renewal is accurate and complete.

(b) If the director finds that the applicant has submitted inaccurate or incomplete information, the director shall initiate action to refuse or cancel the registration pursuant to Section 12825(f) of the Food and Agricultural Code.

NOTE: Authority cited: Sections 11456 and 12781, Food and Agricultural Code. Reference: Sections 12753, 12758, 12815, 12825, 12827, 12827.5 and 14102, Food and Agricultural Code.

6158. Review and Evaluation.

During the review and evaluation of proposed pesticide labeling and data to support registration, the director shall give special attention to the provisions of Sections 11501, 12824, 12825, 12826, 14102, and 14103 of the Food and Agricultural Code and to each of the following factors, when applicable, in reaching a decision to register or not register the pesticide:

(a) Acute health effects such as oral toxicity, dermal toxicity, inhalation toxicity, acute eye and skin damage potential, or sensitization potential.

6158. Review and Evaluation., continued

(b) Evidence of chronic health effects such as carcinogenicity, teratogenicity, mutagenicity, fetal toxicity, and delayed neurotoxicity.

(c) Potential for environmental damage, including interference with the attainment of applicable environmental standards (e.g., air quality standards and water quality objectives).

(d) Toxicity to aquatic biota or wildlife.

(e) Method of medical management of poisoning or other injuries.

(f) Analytical methods.

(g) The availability of feasible alternatives.

(h) Efficacy.

If any of these factors are anticipated to result in significant adverse impacts which cannot be avoided or adequately mitigated, registration will not be granted unless the director makes a written finding that anticipated benefits of registration clearly outweigh the risks. When deciding whether or not to register a pesticide for which feasible alternatives exist, the director shall consider any substantial adverse environmental impact which would likely occur from a lack of additional pest control options for the specific proposed use.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12824, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

6159. Data Requirements.

The director finds that the data required by the United States Environmental Protection Agency (U.S. EPA) regulations governing pesticide registration, reregistration, and classification adopted in Title 40, Code of Federal Regulations pursuant to authority in the Federal Insecticide, Fungicide and Rodenticide Act substantially meet the data requirements of Section 12824 of the Food and Agricultural Code, except as provided in this section and sections 6158, 6170, 6172, 6176-6179, 6180(a), 6181-6192, 6200, 6210, 6215, and 6222. Information meeting such regulations shall be supplemented as specified in this section and sections 6158, 6170, 6172, 6176-6179, 6180(a), 6181-6192, 6200, 6210, 6215, and 6222. Data waived by the U.S. EPA shall be submitted to the director except when the director makes a written finding that such data are not required to meet the purposes of Sections 11501, 12824, 12825, 12826, 14102, or 14103 of the Food and Agricultural Code.

NOTE: Authority cited: Sections 11456 and 12781, Food and Agricultural Code. Reference: Sections 11501, 12824, 12825, 12826, 14102 and 14103, Food and Agricultural Code.

6160. Operational Protocol for Pesticide Registration and Evaluation Manual.

NOTE: Authority cited: Sections 11456, 12781, 12976, 12981 and 14005, Food and Agricultural Code. Reference: Sections 12751-14104, Food and Agricultural Code.

6168. Fee for a Certificate of Interim Registration.

In addition to the \$200 application fee required pursuant to Food and Agricultural Code Section 12812, each application for a certificate of interim registration shall be accompanied by a fee of \$5,000 (five thousand dollars) to cover the department's costs of reviewing and processing the application. The \$5,000 fee also applies to applications:

- (a) For interim registration of a label amendment to a currently registered product; and
- (b) To amend the label and certificate of registration of a product that already has been issued a certificate of interim registration when the amendment will allow additional uses of that product under conditions of interim registration.

NOTE: Authority cited: Section 13168, Food and Agricultural Code. Reference: Section 13170, Food and Agricultural Code.

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Chapter 2. Pesticides
Subchapter 1. Pesticide Registration
Article 2. Registration Requirements

6170. Application.

(a) Each application for registration of a pesticide product shall be made on Form 39-030 (Rev. 01/90) prescribed by the director and described in §section 6170.5. The application is incomplete unless accompanied by the fee required by section 12812 of the Food and Agricultural Code, six copies of the product labeling, and the data required to be submitted by sections 6159, 6170, 6172, 6176-6179, 6180(a), 6181-6192, and 6200 when applicable to support registration of the product. All data submitted by the applicant to the U.S. EPA in support of federal registration of the product shall be submitted and all studies shall be submitted in full. The product labeling should be printer's proof, final labels or legible photocopies, thereof. If typescript labels are submitted with the application, printer's proof, final labels or legible photocopies, thereof, must be submitted before a Certificate of Registration (License) for the product will be issued. If the label has been approved by a federal agency, proof of such approval shall be submitted with the application.

(b) A request to amend the labeling (including special local needs labeling) of a pesticide product is incomplete unless accompanied by six copies of the labeling and the data required to be submitted by sections 6159, 6170, 6172, 6176-6179, 6180(a), 6181-6192, and 6200 when applicable to the amendment. The request to amend labeling shall be accompanied by all data submitted by the applicant to the U.S. EPA in support of federal amended labeling of the product and all studies shall be submitted in full. The product labeling should be printer's proof, final labels or legible photocopies, thereof. If typescript labels are submitted, printer's proof, final labels or legible photocopies, thereof, must be submitted before the amended label will be accepted for use. If the amended labeling has been approved by a federal agency, proof of such approval shall be submitted with the amendment request.

(c) In lieu of submitting data pursuant to subsections (a) and (b) of this section, the registrant may reference appropriate data previously submitted to the director by the registrant. Data previously submitted to the director may be used by any applicant when an authorization is submitted in writing to the department, by the owner of that data.

NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference: Sections 12811, 12812, 12815 and 12816, Food and Agricultural Code.

6170.1. Application for Registration of Economic Poison (Pesticide) Form.

NOTE: Authority cited: Sections 11456 and 12781, 12845, Food and Agricultural Code. Reference: Sections 12811, 12815 and 12821, Food and Agricultural Code.

6170.5. Application Form.

The form referred to in section 6170(a) shall require registrants to provide the following information when applicable.

(a) Firm name, (same as on file with the United States Environmental Protection Agency [U.S. EPA]);

(b) Firm mailing address and street address, if different from mailing address;

6170.5. Application Form., continued

- (c) Name and telephone number of official authorized to answer questions concerning the application;
- (d) Brand name of pesticide product (exactly as shown on label);
- (e) U.S. EPA registration number of pesticide product;
- (f) Type of U.S. EPA registration obtained;
- (g) Type of California registration action being requested;
- (h) Whether pesticide product contains biochemicals and/or microbials;
- (i) Type(s) and size(s) pesticide product is to be sold in;
- (j) Whether pesticide product requires child-resistant packaging;
- (k) Signal word on label;
- (l) Specific gravity and pounds/gallon of liquid formulations;
- (m) Bulk density of solid formulations;
- (n) pH of water soluble formulations;
- (o) Flash point/flame extension of products containing more than 70 percent petroleum distillates;
- (p) Whether product is intended for commercial agricultural use and/or by householders;
- (q) Type of pesticide product;
- (r) Method(s) of application;
- (s) Type of formulation;
- (t) Common chemical name, trade name and CAS number for each active ingredient in the formulation;
- (u) Product name(s) and U.S. EPA registration number(s) of the source product(s) of each active ingredient in the formulation;
- (v) Percent by weight of source product(s) and of active ingredient(s) in formulated product;
- (w) Common chemical name, trade name and the CAS number of each inert ingredient in the formulation (if reporting by trade name only, include Material Safety Data Sheet);
- (x) Product name(s) of the source product(s) of each inert ingredient in the formulation;
- (y) Purpose of each inert ingredient in formulated product;
- (z) Percent by weight of source product(s) and of the inert ingredient(s) in the formulated product.

NOTE: Authority cited: Section 12781 and 12845, Food and Agricultural Code. Reference: Sections 12811, 12815 and 12821, Food and Agricultural Code.

6171. Document Requests.

Each applicant shall, upon request of the director, submit to the director a copy of any part or all documents the applicant submitted to the U.S. EPA in support of the U.S. EPA action concerning the pesticide product. Each document request pursuant to this section shall include the director's reason for the request.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12824, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

6172. General Toxicity Data.

(a) The following data shall be submitted with every application for registration.

- (1) Acute oral and dermal LD₅₀ data on the product.
- (2) Acute LC₅₀ data on products which produce a respirable aerosol or gas.
- (3) Primary eye and skin irritation data on the product.

(b) The following data in addition to the data required by (a), (1)-(3), shall be submitted with each application to register a product containing an active ingredient not previously registered when required by the U.S. EPA to support the full unconditional registration pursuant to Section 3 of the Federal Insecticide, Fungicide and Rodenticide Act. Pesticides which are determined to be biorational pesticides as determined by the director, may be exempted from the chronic toxicity data requirements.

(1) Results of a two-year feeding study for oncogenicity on active ingredients in two animal species.

(2) Results of a teratogenicity study and a two-generation combined male-female reproductive study on active ingredients.

(3) Results of three mutagenicity studies on active ingredients that detect gene mutations, chromosomal aberrations, and DNA damage/repair.

NOTE: Authority cited: Sections 12781 and 12824, Food and Agricultural Code.

Reference: Sections 11501 and 12824-12825, Food and Agricultural Code.

Chapter 2. Pesticides
Subchapter 1. Pesticide Registration
Article 3. Supplemental Data Requirements

6176. Safety Related to Exposure.

Dermal Absorption. Each applicant to register a pesticide product that has an active ingredient with an acute dermal toxicity (LD₅₀) of 2,000 or less milligrams per kilogram of body weight for a 24-hour period shall submit to the director dermal absorption data.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

6177. Mixer, Loader, Applicator Exposure.

Each applicant to register a pesticide product in toxicity category one or two, the use of which may be expected to result in significant respiratory or dermal exposure during mixing, loading, or application shall submit appropriate, dermal or inhalation exposure data. Studies required by this section that involve human participants, to be conducted in California, shall meet the requirements of section 6710.

NOTE: Authority cited: Sections 12781 and 12981, Food and Agricultural Code.
Reference: Sections 12815, 12824, 12980, 12981, 12987, and 12988, Food and Agricultural Code.

6178. Management of Poisoning.

Each applicant to register a new pesticide product or a new use of a previously registered product shall submit to the director a protocol supported by data for the practical treatment of poisoning and other injury cases.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

6179. Spray Adjuvants.

Each applicant to register a spray adjuvant that is exempt from a tolerance pursuant to U.S. EPA regulations shall submit to the director acute toxicity data on the formulated product including oral, dermal and inhalation toxicity values, and the results of eye and skin irritation tests. If the director determines that the data indicate a risk of chronic effect, the applicant shall submit data relating to such chronic effect.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

6180. Rodenticides.

(a) Each applicant to register a pesticide that is a rodenticide shall submit biochemical data describing the metabolic pathway and the mode of action in animal models suitable for extrapolation of the data to people.

(b) Anticoagulant rodenticide baits intended for home use shall contain a color additive of such intensity as to be readily evident.

(c) Suggested dyes for anticoagulant baits are listed in the department's Vertebrate Pest Control Handbook (Publication No. 410).

(d) Baits containing strychnine shall be dyed with a green color additive as specified in the department's Vertebrate Pest Control Handbook.

(e) Subsections (b) and (c) do not apply to bird control materials or animal repellents.

NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference: Sections 11501 and 12824, Food and Agricultural Code.

6181. Foliar Residue and Field Reentry.

Each applicant proposing to register a new pesticide product or new use of a previously registered pesticide product that is intended for use on a commercially grown crop where there may be substantial exposure by field workers, shall submit acceptable foliar and soil residue data, including data on toxic alteration products if (a) any active ingredient or alteration product has an acute dermal toxicity (LD₅₀) of 2,000 or less milligrams per kilogram of body weight for a 24-hour period, (b) is highly irritating to the skin, (c) is a sensitizer, or (d) involves a potential risk of a chronic health effect.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

6182. Field Reentry.

(a) A proposed pesticide use that poses a safety hazard to field workers will not be registered until a safety interval to protect such workers has been established and is in effect by regulation or label statement.

(b) Reentry intervals shall be established on the basis of data on dermal absorption, inhalation and dermal/oral-response studies in animal models in conjunction with foliar and soil dissipation data and any available human exposure data. The selected reentry interval will be sufficiently long to ensure that a safe (no-effect) level is present on foliage and the soil when workers may reenter previously treated areas.

(c) In the case of a safety interval set without a human reentry study, the director may require a field monitoring study of workers during the first year of use.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

6183. Indoor Exposure.

Each applicant to register a pesticide product, the use of which in houses, institutions, or other buildings may result in dermal or respiratory exposure after application, shall submit exposure data. Studies required by this section that involve human participants, to be conducted in California, shall meet the requirements of section 6710.

NOTE: Authority cited: Sections 12781 and 12981, Food and Agricultural Code. Reference: Sections 12815, 12824, 12980, 12981, 12987, and 12988, Food and Agricultural Code.

6184. Residue Test Method.

(a) Each applicant for the registration of a pesticide product shall provide the director with a method and a standard sample for accurately determining residues of (1) each active ingredient in the pesticide product and (2) each metabolite that may result from the active ingredient for which a tolerance has been established by the U.S. EPA in the Code of Federal Regulations. Test methods shall allow the director to determine residues in or on plant or animal tissue, soil, and water.

(b) In the case of a pesticide intended for use on a food crop for which a residue tolerance has been established, the method shall allow the director to determine the residue on each crop within a continuous 24-hour period. Registration may be allowed for a reasonable time during which the applicant can comply with this subsection. The registration shall not be allowed to continue for more than two years without compliance with this subsection unless the applicant provides the director with an equally effective procedure for accomplishing the protection offered by the 24-hour method.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

6185. Residue Data.

Residue data required by sections 6159 and 6181 shall be obtained under California or similar environmental use conditions. Such data shall take into consideration differences in plants, soils, climatic conditions, and application techniques.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12824, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

6186. Efficacy.

Each application for registration or amendment to the labeling of a pesticide shall be accompanied by data supporting each efficacy claim. If data supporting such claims are in the public domain and copies of the data are provided, the submission of such data may satisfy the requirement of this section. Such data shall be obtained under California or similar environmental use conditions and shall take into consideration differences in plants, soils, climate conditions, and application techniques.

6186. Efficacy., continued

NOTE: Authority cited: Sections 14004.5 and 14006.7, Food and Agricultural Code.

Reference: Sections 11501, 12561, 12824, 12825 and 12854, Food and Agricultural Code.

6187. Hazards to Bees.

Each applicant to register a pesticide product which, under field conditions, may be likely to contact commercial apiaries or pollinating bees shall submit to the director test data indicating the product's acute chronic toxicity to bees. Testing procedures shall be those described by the University of California laboratory studies included in Leaflet 2287, or equivalent procedures.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

6188. Closed System Compatibility.

(a) Each applicant to register a liquid pesticide product carrying the signal word "DANGER" on the label for an agricultural use shall submit to the director data on the product's viscosity and such other data the director may require to comply with sections 6188(b) and 6744.

(b) No liquid pesticide carrying the signal word "DANGER" on the label shall be registered for an agricultural use unless the product is compatible with closed systems as defined in section 6000.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

6189. Effects on Pest Management.

Each applicant to register a pesticide for use on a crop for which it was not previously registered shall submit data to the director concerning any adverse effect of the product on pest management systems for that crop.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

6190. Inert Ingredient Hazard.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

6191. Volatile Organic Compounds.

The director, after consultation with the Air Resources Board, shall determine under what circumstances interference with the attainment and maintenance of ambient air quality standards is likely to result from the evaporative emission of volatile organic compounds contained in a pesticide product and may require the applicant to supply data regarding such emissions.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

6192. Other Data.

Each applicant to register a pesticide product shall submit to the director any other data determined by the director to be necessary to carry out the provisions of Section 12824 of the Food and Agricultural Code. Each data request pursuant to this section shall include the director's reason for the request. Such data may include, but is not limited to the following:

- (a) Pesticide drift.
- (b) Phytotoxicity.
- (c) Environmental effects.
- (d) Analytical and environmental chemistry.
- (e) The effect from the use of mixtures of two or more products in combination.
- (f) Contaminants in pesticide products.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

6193. Wettable and Soluble Powders.

NOTE: Authority cited: Sections 407, 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751-12994, Food and Agricultural Code.

6193.5. Acute Effects Data for Dietary Risk Assessment.

(a) For the purposes of this section, "acute exposure" is defined as a single treatment or repeated treatments during a period normally not to exceed seven days. Signs of acute toxicity are physical, behavioral, or biochemical manifestations, resulting from acute exposure, which are relevant to assessing dietary risks resulting from acute exposures of humans. Relevant observations of acute toxicity are described in the U.S. EPA Pesticide Assessment Guidelines, Subdivision F.

(b) The following data, from studies using active ingredients, are required to assess dietary risk resulting from acute exposures:

- (1) Acute oral LD₅₀ toxicity data as required pursuant to Title 40 Code of Federal Regulations, Part 158.340; and

6193.5. Acute Effects Data for Dietary Risk Assessment., continued

(2) Oral toxicity data demonstrating a No Observed Effect Level (NOEL) for signs of acute toxicity following acute exposure and oral toxicity data sufficient to produce a dose-response curve for active ingredients with known biological indicators (e.g., cholinesterase inhibition)

when this response is relevant to the NOEL. For active ingredients with anticholinesterase activity, at a minimum, red blood cell cholinesterase activity must be reported.

(c) The data listed in subsection (b) shall be submitted with each application for registration of:

(1) A pesticide product intended for use on food or feed crops and containing an active ingredient not currently registered for food or feed use; or

(2) Amended labeling which would add directions for use on food or feed crops to the label of a pesticide product containing an active ingredient not currently registered for food or feed use.

(d) Pursuant to Section 13060 of the Food and Agricultural Code, when notified by the department, registrants of pesticides labeled for use on food or feed crops must submit the acute effects data listed in subsection (b). Registrants shall have nine months from the date of the department's notice to submit the data.

(e) The department will not require the data listed in subsections (b) for active ingredients for which the department has made a written determination that existing data demonstrates that acute dietary exposure is not of toxicological concern.

NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference: Sections 12824 and 13060, Food and Agricultural Code.

6194. Required Submission of Data.

(a) Registrants required to submit data in support of registrations pursuant to Food and Agricultural Code sections 13060(c)(1), 13127, 13143 or 13146 shall respond to the director's notices of the data and study requirements. Where the notice pertains to data required pursuant to Food and Agricultural Code section 13127, the data shall be one or more of the mandatory health effects studies specified in Food and Agricultural Code section 13123. Where the notice pertains to data required pursuant to Food and Agricultural Code sections 13143 or 13146, the data shall be all or some of the information specified in Food and Agricultural Code section 13143(a)(1) through (6). Where the notice pertains to data required pursuant to Food and Agricultural Code section 13060(c)(1), the data shall be that listed in section 6193.5(b).

Not later than 90 days after the date of such a notice, registrants shall inform the director in writing as to how they will comply with the data requirements by choosing one or more of the following options:

(1) Submit the data with their response to the notice.

(2) Develop and submit the data.

(3) Agree to jointly develop and submit the data with one or more parties and provide a copy of the agreement signed by the participating parties.

(4) Acquire authorization to use data being developed and submitted by another party and provide a copy of the authorization signed by that party.

(5) For data required pursuant to sections 13127, 13143 or 13146 of the Food and Agricultural Code, offer to compensate the developer(s) of the data and provide a copy of the offer, together with evidence that the data developer(s) received the offer.

6194. Required Submission of Data., continued

(6) Claim the data requirements are not applicable to the registered use patterns of the registrant's pesticide products and provide information supporting the claim.

(7) When applicable to the particular notice, claim an exemption from the mandatory health effects data requirements pursuant to Food and Agricultural Code section 13128, or claim an exemption from the acute effects data requirements pursuant to Food and Agricultural Code section 13060(c)(2), and provide the information specified in subsection (c).

An option shall be chosen for each data requirement; however, different options may be chosen for different data requirements. When requested by the director, registrants who have chosen options (2) and/or (3) shall submit a written status report to the director regarding the development of the data which shall include, but is not limited to:

(1) The name and address of the person/organization conducting the study.

(2) The initiation and expected completion dates; and

(3) The scheduled date of submission of the data to the department. The status report shall be submitted not later than 30 days after the date of the director's request, unless a later date is specified.

(b) Pursuant to Food and Agricultural Code sections 13060(c)(2) and 13128, data requirements noticed pursuant to Food and Agricultural Code sections 13060(c)(1) and 13127, respectively, shall not apply to applicants or registrants of end use products that are formulated using another producer's pesticide product which is registered with the United States Environmental Protection Agency (U.S. EPA), provided all pesticide active ingredients in the formulated product are derived solely from one or more EPA registered pesticide products and the producer(s) has/have chosen from options (1), (2), (3) and/or (5) in subsection (a) of this section, and is/are in compliance with the requirements of sections 13060(c)(1) or 13127 whichever applies, of the Food and Agricultural Code and the director's regulations in chapter 6 of Title 3 of the California Code of Regulations.

(c) The director shall grant an exemption as authorized by sections 13060(c)(2) and 13128 of the Food and Agricultural Code to an applicant or registrant that meets the conditions specified in subsection (b). To apply for an exemption, the applicant or registrant shall submit the following:

(1) The name and the EPA registration number of each pesticide product purchased to formulate the end use product; and

(2) The name of the producer(s) from whom the applicant or registrant purchases the active ingredient(s) used to formulate the product(s), who has/have chosen from options (1), (2), (3) and/or (5) in subsection (a) of this section, and is/are in compliance with the requirements of sections 13060(c)(1) or 13127, whichever applies, of the Food and Agricultural Code, and the director's regulations contained in chapter 6 of Title 3 of the California Code of Regulations. If the active ingredient(s) is/are not purchased directly from the producer(s), but through a supplier, include a statement identifying the producer(s) by name and certifying that the active ingredient(s) used to formulate the product(s) is/are purchased indirectly from a producer(s) who has/have chosen from options (1), (2), (3) and/or (5) in subsection (a) of this section, and is/are in compliance with the requirements of sections 13060(c)(1) or 13127, whichever applies, of the Food and Agricultural Code and the director's regulations contained in chapter 6 of Title 3 of the California Code of Regulations.

6194. Required Submission of Data., continued

(d) If a registrant that has been granted an exemption pursuant to sections 13060(c)(2) or 13128 of the Food and Agricultural Code purchases a pesticide product different from that reported in accordance with subsection (c), the registrant shall notify the director of the change. If the registrant still meets the conditions specified in subsection (b) and wishes to request an exemption, the registrant shall reapply for the exemption following the procedure described in subsection (c).

(e) An applicant or registrant that has been granted an exemption pursuant to sections 13060(c)(2) or 13128 of the Food and Agricultural Code will be exempt as long as the producer(s) of the pesticide active ingredient(s) in its end use product has/have chosen from options (1), (2), (3) and/or (5) in subsection (a) of this section, and is/are in compliance with the requirements of sections 13060(c)(1) or 13127, respectively, of the Food and Agricultural Code and the director's regulations contained in chapter 6 of Title 3 of the California Code of Regulations. An applicant or registrant that no longer qualifies for such an exemption is subject to the requirements of sections 13060(c)(1) or 13127, whichever applies, of the Food and Agricultural Code.

NOTE: Authority cited: Sections 12781 and 13145, Food and Agricultural Code.

Reference: Sections 13060, 13127, 13128, 13143 and 13146, Food and Agricultural Code.

6195. Acceptability of Submitted Studies.

(a) The director will determine whether information and studies submitted pursuant to Sections 13127, 13143 and 13146 of the Food and Agricultural Code are valid, complete, and adequate. The determination will be made by considering the following factors including, but not limited to:

- (1) Study design and conduct,
- (2) Test substance characterization,
- (3) Collecting and reporting of data,
- (4) Statistical analysis of study results, and
- (5) A showing by the registrant that the information and studies meet the requirements of Food and Agricultural Code Sections 13123.5 or 13143.

(b) The director's determination of acceptability shall be final unless, within 90 days after notice to the registrant of disapproval, the registrant petitions for reconsideration and shows in retail therein the particular matters alleged to have been improperly evaluated by the director and the reasons supporting a different evaluation. The director may grant reconsideration upon such showing and may permit the registrant to supplement the material previously submitted, or otherwise show that the studies submitted are acceptable. The time periods and procedures in such reconsideration actions shall be set by the director in consideration of the particular matters involved.

NOTE: Authority cited: Sections 12781 and 13145, Food and Agricultural Code. Reference: Sections 13127, 13143 and 13146, Food and Agricultural Code.

6196. Adoption of Federal Authority.

As authorized by sections 13127 and 13146 of the Food and Agricultural Code, the director adopts the provisions of subparagraph (B) of paragraph (2) of subdivision (c) of section 136a of Title 7 of the United States Code, as applicable to compensation for data development pursuant to Food and Agricultural Code sections 13127, 13143 and 13146 and for suspension of registrations pursuant to Food and Agricultural Code Sections 13127, 13127.2, 13127.6, 13127.91, 13127.92 and 13146. References therein to the authority of the Administrator of the United States Environmental Protection Agency (U.S. EPA), acting pursuant to the provisions of the Federal Insecticide, Fungicide and Rodenticide Act, shall be deemed to refer to the director, acting under the provisions of the Food and Agricultural Code and regulations in Title 3 of the California Code of Regulations. The following provisions shall apply to the adoption of the federal authority:

- (a) The director's authority under other provisions of law is not affected.
- (b) Compensation procedures under federal law are exclusive at any time such federal procedures can be initiated before an arbitration award under this section becomes final. A later award under federal law for submission of the same data, or substantially the same data, shall supersede an award under this section.
- (c) Arbitration proceedings under this section shall be conducted by arbitrators of the American Arbitration Association using federal procedures to the extent practicable.
- (d) Arbitration awards under this section shall be subject to review in courts of competent jurisdiction to the same extent as judgments of California superior courts.
- (e) No compensation proceedings are authorized of resubmission of public literature studies.
- (f) Compensation for the use of data submitted to the director is applicable only for studies initiated after January 1, 1985 to fill the data requirements of Food and Agricultural Code section 13127 and studies initiated after January 1, 1986 to fill the information requirements of Food and Agricultural Code sections 13143 and 13146. When submitted to the director, use of these data is subject to protection only to the same extent and for the same time periods as such use would be subject to protection by the U.S. EPA Administrator, had the data been submitted to U.S. EPA pursuant to 7 U.S.C. 136a(c)(2)(B)(v).
- (g) The director may include in each Notice of Intent to Suspend such provisions as the director deems appropriate concerning the continued sale of existing stocks of the products included in the Notice.
- (h) The only matters for resolution at the hearing, called pursuant to the Notice of Intent to Suspend, shall be whether the registrant has failed to take the action that served as the basis for the Notice of Intent to Suspend, including, but not limited to, failing to take appropriate steps to submit the data required, to participate in a procedure for reaching agreement concerning a joint data development arrangement, to participate in an arbitration proceeding as required, to comply with the terms of an agreement or arbitration decision concerning a joint data development arrangement, and/or whether the director's determination with respect to the disposition of existing stocks is appropriate.
- (i) If a hearing is held, the decision after completion of such hearing shall be final.

NOTE: Authority cited: Sections 12781, 13127 and 13146, Food and Agricultural Code.
Reference: Sections 13127, 13127.2, 13127.6, 13127.91, 13127.92 and 13146, Food and Agricultural Code.

6196.1. Provisions for Suspension.

As authorized by Section 13123(m) and Section 13127(c), the following provisions shall apply to suspensions of registrations pursuant to Food and Agricultural Code Sections 13127, 13127.2, 13127.6, 13127.91 and 13127.92:

(a) The provisions of Chapter 5 of the California Administrative Procedure Act (Government Code Sections 11500-11528) apply to any hearing requested except for the following provisions which do not apply to the actual conduct of the hearing:

(1) Government Code Sections 11503-11507. Suspension actions under the above-cited Food and Agricultural Code Sections are commenced with the filing and service of the Notice of Intent to Suspend. All references to, and requirements for, Accusations or Statements of Issues in Government Code Sections 11500-11528 shall be deemed to apply to Notices of Intent to Suspend.

(2) Government Code Sections 11517 and 11521. The Administrative Law Judge prepares and issues a final decision in hearings under the above-cited sections of the Food and Agricultural Code.

(3) Government Code Section 11520. If the registrant does not request a hearing within 30 days after receiving the Notice of Intent to Suspend, the suspension takes effect automatically.

(b) The final decision of the Administrative Law Judge in any suspension action under the above-cited Food and Agricultural sections shall be issued at the earliest possible time.

NOTE: Authority cited: Sections 12781, 13127 and 13146, Food and Agricultural Code.

Reference: Sections 13127, 13127.2, 13127.6, 13127.91 and 13127.92, Food and Agricultural Code.

6197. Applicability of Section 6196 to Data Obtained Pursuant to Food and Agricultural Code Section 12824.

(a) Data protection and compensation otherwise applicable to the adoption of federal authority by Section 6196 does not apply to situations described in subsection (d)(1) of Section 13127 and subsection (d) of Section 13146 of the Food and Agricultural Code in which the director obtains data and makes assessments on registrants for the costs thereof pursuant to Section 12824 of the Food and Agricultural Code.

(b) The director will determine in each matter under subsection (a) the appropriate means of making and collecting the assessments. The amount of the assessment shall be the total cost to the department to obtain the data less any appropriation the director may have requested, provided such appropriation will be received by the department. The assessments shall be charged to the registrants of an active ingredient for which data gaps exist in proportion to the total amount of the registrant's economic poison products containing the active ingredient which the registrant reported sold pursuant to Section 6388 for the most current year prior to the assessment for which such records are available. The assessments will be collected before the director initiates the required tests.

(c) The adoption of federal authority pursuant to Section 6196 does not affect the director's authority to suspend or cancel registrations for failure of registrants to submit data, or comply with assessment orders made pursuant to Food and Agricultural Code Section 12824, either separately or in conjunction with other authority.

6197. Applicability of Section 6196 to Data Obtained Pursuant to Food and Agricultural Code Section 12824., continued

NOTE: Authority cited: Sections 12781, 13127 and 13146, Food and Agricultural Code.
Reference: Sections 13127 and 13143, Food and Agricultural Code.

6197.5. Assessment of Pesticide Registrants.

(a) Notice of a proposed assessment made pursuant to Food and Agricultural Code Section 13127(d) shall be given to each registrant of the active ingredient for which the data gap(s) exist(s) except those granted an exemption pursuant to Food and Agricultural Code Section 13128, and to each legislative committee which, during the previous and current year, considered legislation involving pesticides. Written comments on the proposed assessment will be accepted for 30 days. After the 30 days, if the director orders the assessment, notice thereof shall also be given to each such registrant and committee.

(b) The notice of proposed assessment and the assessment order shall contain the findings of the director as to each of the following:

- (1) The active ingredient involved;
- (2) A list of the specific studies for which there are data gaps;
- (3) The reasons for requiring the assessment to obtain data;
- (4) The total estimated cost of all of the required studies and the estimated cost of each individual study;
- (5) The legislative appropriation, if any, authorized to be used to reduce the assessment to registrants and the balance remaining after application of any such appropriation; and
- (6) Each registrant and its proportional share of the total assessment based upon its reported sales for the most current year prior to the assessment for which such records are available as determined pursuant to Section 6197(b). Registrants that did not report any sales will be assessed the same amount as the registrant(s) reporting the least amount of sales, but not to exceed ten percent (10%) of the total assessment. If no sales were reported by any registrant, the total assessment will be divided equally among the registrants of the active ingredient involved.

(c) The assessment order shall provide that, within 30 days of the date of the assessment order notice:

(1) An affected individual registrant may, in lieu of payment, surrender its registration of all products containing the active ingredient which is the subject of the assessment; and

(2) Any individual registrant may, in lieu of payment, file with the director an agreement signed by another California or a U.S. EPA registrant of the same active ingredient to pay the individual registrant's assessment.

(d) As soon as practicable after determining the voluntary surrenders, if any, as provided in subsection (c)(1), the director shall recalculate the percentage of costs to the remaining registrants and provide notice of the recalculated assessments, or provide notice that there were no voluntary surrenders and that the assessments are those specified in the assessment order.

(f) After 30 days of the issuance of the notice provided in subsection (d), the director may order the suspension of the registration of products containing the active ingredient of any registrant that fails to pay, or fails to have the registrant who signed the agreement as provided in subsection (c)(2) pay, its assessment. The suspension order shall order the registrant to discontinue sales of such products to distributorships/dealers within California.

6197.5. Assessment of Pesticide Registrants., continued

(f) After 90 days of the issuance of the notice provided in subsection (d), the director may take the action specified in subsection (e) against all registrations of products containing the active ingredient, except for the products of registrants excluded pursuant to Section 13128 of the Food and Agricultural Code, if the total amount of the assessment has not been paid to the director or funds have not been made available from other sources to conduct the required studies.

(g) If the original assessment did not provide adequate funds to complete the work being funded, the director may order a supplemental assessment or assessments to provide such necessary additional funds. Notice of the supplemental assessment order shall be given to each registrant, person and committee identified in subsection (a) and include: (1) the additional total amount needed for completion of the studies, (2) any legislative appropriation available, to be used to reduce the supplemental assessment, and (3) each registrant's apportionment based upon its proportional share of the original assessment. The provisions of subsections (c), (d), (e) and (f) will apply to supplemental assessment orders.

(h) Any registrant that has surrendered its registration or had its registration suspended pursuant to the provisions of this section, or its successors in interest to surrendered or suspended products, shall not be allowed to register or sell any products containing the active ingredient which was subject to assessment unless the studies have been initiated and/or the data gaps filled and the registrant, or its successor in interest, complies with the following procedure:

(1) Within 60 days of its application for registration, the applicant/registrant shall submit to the director a statement, signed by each registrant that paid all or a share of the applicable assessment, stating that the registrant has no objection to such product registration; or

(2) Present to the director an order of a court of competent jurisdiction determining that the applicant/registrant is entitled to registration based upon the payment, or offer of payment, of reasonable compensation to concerned registrants, or upon such other basis as the court may deem appropriate; or

(3) Pays the assessment owed at the time it surrendered its registration or had its registration suspended.

(i) Monies received in excess of the total cost of obtaining the studies will be returned to registrants in proportion to each registrant's paid share of the total assessment.

NOTE: Authority cited: Sections 11456, 12781, 13127 and 13146, Food and Agricultural Code.
Reference: Sections 13127 and 13146, Food and Agricultural Code.

6198. Determination of Critical Need.

Pursuant to Food and Agricultural Code Section 13146(d), the determination of whether an active ingredient or pesticide is "critical to agricultural production" shall be based upon, but is not limited to, the following factors:

(1) Loss of the active ingredient or pesticide could prevent the commercial production of an agricultural crop;

(2) No other effective active ingredients or other alternative methods are available for the same use(s);

(3) Loss of the active ingredient or pesticide could result in the introduction or dissemination of a pest new or not theretofore known to be widely prevalent or distributed within and throughout California;

6198. Determination of Critical Need., continued

(4) Loss of the active ingredient or pesticide could cause a health hazard to animals such as livestock, horses, cattle, sheep, goats, canines and furbearing animals;

(5) Loss of the active ingredient or pesticide could cause hardship on California's agricultural industry.

NOTE: Authority cited: Sections 12781 and 13146, Food and Agricultural Code. Reference: Sections 13143 and 13146, Food and Agricultural Code.

6198.5. List of Active Ingredients Identified Pursuant to Section 13127 of the FAC.

(a) Section 13127(a) of the Food and Agricultural Code requires the department to identify 200 active ingredients which the department determines have the most significant data gaps, widespread use, and which are suspected to be hazardous to people. The active ingredients are listed below in alphabetical order:

- | | |
|---|---|
| 1. Acephate | 31. Chlordimeform |
| 2. Acrolein | 32. Chlorflurenol, Methyl Ester |
| 3. Alachlor | 33. (Reserved) |
| 4. Aldicarb | 34. Chlorobenzilate |
| 5. Aldrin | Dimethyl Benzyl Ammonium |
| 6. Alkyl (50%C14, 40%C12, 10%C16)
Chloride | 35. Chloroneb |
| 7. Allethrin | 36. Ortho-Benzyl-Para-Chlorophenol |
| 8. (Reserved) | 37. Chloropicrin |
| 9. Amitraz | 38. Chlorothalonil |
| 10. Amitrole | 39. Chlorpyrifos |
| 11. Arsenic Pentoxide | 40. Chlorsulfuron |
| 12. Arsenic Trioxide | 41. Chlorthal-Dimethyl |
| 13. Asulam, Sodium Salt | 42. (Reserved) |
| 14. Atrazine | 43. Coumaphos |
| 15. Azinphos-Methyl | 44. Creosote |
| 16. Barban | 45. Cryolite |
| 17. Bendiocarb | 46. Cyanazine |
| 18. Benomyl | 46. Paraquat Dichloride |
| 19. Bentazon, Sodium Salt | 47. Cyanuric Acid, Monosodium Salt |
| 20. Boric Acid | 48. Cycloate |
| 21. Bromacil | 49. Cyhexatin |
| 22. Bromoxynil Octanoate | 50. 2,4-D |
| 23. Captafol | 51. 2,4-D, Dimethylamine Salt |
| 24. Captan | 52. Daminozide |
| 25. Carbaryl | 53. DDVP |
| 26. Carbofuran | 54. Deet |
| 27. Carbon Tetrachloride | 55. Demeton |
| 28. Carboxin | 56. Diazinon |
| 29. Chloramben | 57. Dicamba |
| 30. Chlordane | 58. Diclobenil |
| | 59. Para-Dichlorobenzene |
| | 60. 1,2-Dichloropropane, 1,3-
Dichloropropene; C-3 compounds |

6198.5. List of Active Ingredients Identified Pursuant to Section 13127 of the Food and Agriculture Code., (continued)

(a) continued

- | | |
|--|--|
| 61. 1,3-Dichloropropene | 101. Folpet |
| 62. Diclofop Methyl | 102. Formaldehyde |
| 63. Dicofol | 103. Fosamine, Ammonium Salt |
| 64. Didecyl Dimethyl Ammonium Chloride | 104. Glyphosate, Isopropylamine Salt |
| 65. Diethatyl-Ethyl | 105. Heptachlor |
| 66. Dimethoate | 106. (Reserved) |
| 67. Dimethyl phthalate | 107. Imazalil |
| 68. 2,4-Dinitrophenol | 108. Iprodione |
| 69. Dinocap | 109. (Reserved) |
| 70. Dinoseb | 110. Lindane |
| 71. Dioxathion | 111. Linuron |
| 72. Diphacinone | 112. Lithium Hypochlorite |
| 73. Diphenamid | 113. Malathion |
| 74. Diphenylamine | 114. Maleic Hydrazide, Diethanolamine Salt |
| 75. Dipropyl Isocinchomeronate | 115. Maleic Hydrazide, Potassium Salt |
| 76. Diquat Dibromide | 116. Mancozeb |
| 77. Diuron | 117. Maneb |
| 78. Endosulfan | 118. Mefluidide, Diethanolamine Salt |
| 79. Endothall, Mono (N,N-Dimethylakylamine) Salt | 119. Metaldehyde |
| 80. Endrin | 120. Metam-Sodium |
| 81. EPN | 121. Methidathion |
| 82. EPTC | 122. Methomyl |
| 83. Ethalfluralin | 123. Methyl Bromide |
| 84. Ethephon | 124. Methylene Chloride |
| 85. Ethofumesate | 125. Methylenebis (Thiocyanate) |
| 86. Ethoprop | 126. Methyl Parathion |
| 87. (Reserved) | 127. Metolachlor |
| 88. Ethylene Dibromide | 128. Metribuzin |
| 89. Ethylene Dichloride | 129. Mevinphos |
| 90. Ethylene Glycol, Monomethyl Ether | 130. Molinate |
| 91. Ethylene Oxide | 131. Monocrotophos |
| 92. Fenamiphos | 132. MSMA |
| 93. Fenarimol | 133. Naled |
| 94. Fensulfothion | 134. Naphthalene |
| 95. Fenthion | 135. Napropamide |
| 96. Ferbam | 136. Naptalam, Sodium Salt |
| 97. Fluchloralin | 137. Nitrapyrin |
| 98. Flucythrinate | 138. Norflurazon |
| 99. Fluometuron | 139. Octylbicycloheptene Dicarboximide |
| 100. Fluvalinate | 140. Oryzalin |

6198.5. List of Active Ingredients Identified Pursuant to Section 13127 of the Food and Agriculture Code., (continued)

(a) continued

- | | |
|---|--|
| 141. Oxadiazon | 182. Tetrachlorvinphos |
| 142. Oxamyl | 183. Tetramethrin |
| 143. Oxycarboxin | 184. Thiabendazole, Hypophosphite Salt |
| 144. Oxyfluorfen | 185. Thiobencarb |
| 145. Oxythioquinox | 186. Thiophanate-Methyl |
| 146. Paraquat Dichloride | 187. Thiram |
| 147. Parathion | 188. Toxaphene |
| 148. PCNB | 189. Triadimefon |
| 149. PCP | 190. S,S,S-Tributylphosphorotrithioate |
| 150. Pebulate | 191. Tributyltin Benzoate |
| 151. Pendimethalin | 192. Tributyltin Oxide |
| 152. Permethrin | 193. Trichlorophon |
| 153. Petroleum Distillate, Aromatic | 194. Trichloro-S-Triazinetrione |
| 154. Phenothrin | 195. Triclopyr |
| 155. Ortho-Phenylphenol | 196. Trifluralin |
| 156. Phorate | 197. Triforine |
| 157. Phosalone | 198. Vernolate |
| 158. Phosmet | 199. Vinclozolin |
| 159. Phosphamidon | 200. Ziram |
| 160. (Reserved) | |
| 161. Picloram | |
| 162. Pine Oil | |
| 163. Piperonyl Butoxide, Technical | |
| 164. PMA | |
| 165. Prometryn | |
| 166. Propamocarb | |
| 167. Propargite | |
| 168. Propetamphos | |
| 169. Propoxur | |
| 170. Propyzamide | |
| 171. Pyrethrins | |
| 172. Resmethrin | |
| 173. Rotenone | |
| 174. Simazine | |
| 175. Sodium Arsenite | |
| 176. (Reserved) | |
| 177. Sulfur Dioxide | |
| 178. Sulfuryl Fluoride | |
| 179. Terbacil | |
| 180. Terrazole Dimethylalkylamine) Salt | |
| 181. Tetrachlorophenol | |

6198.5 List of Active Ingredients Identified Pursuant to Section 13127 of the Food and Agriculture Code., continued

(b) The director has determined that certain of the active ingredients listed in subsection (a) are chemically and toxicologically similar to other active ingredients registered by the department. Such similar active ingredients have been placed into groups. Completion of the mandatory health effects studies, required pursuant to Section 13127 of the Food and Agricultural Code, for an active ingredient listed in the group will satisfy the data requirements for all of the active ingredients in the group, unless adverse effects reported pursuant to Section 6210 indicate that the mandatory health effects studies should be completed for other active ingredients within the group. In addition, copies of the mandatory health effects studies submitted to the United States Environmental Protection Agency (U.S. EPA) for any of the active ingredients listed below shall also be submitted by the registrant to the department. The groups are listed below, the active ingredient(s) listed in subsection (a) have an * after their name:

1. Alkyl (50%C14, 40%C12, 10%C16) Dimethyl Benzyl Ammonium Chloride *
Alkyl (60%C14, 30%C16, 5%C12, 5%C18) Dimethyl Benzyl Ammonium Chloride
Alkyl (25%C12, 60%C14, 15%C16) Dimethyl Benzyl Ammonium Chloride
Alkyl (47%C12, 18%C14, 10%C18, 10%C16, 15%C8-C10) Dimethyl Benzyl Ammonium Chloride
Alkyl (50%C12, 30%C14, 17%C16, 3%C18) Dimethyl Benzyl Ammonium Chloride
Alkyl (58%C14, 28%C16, 14%C12) MACASK 0 T Dimethyl Benzyl Ammonium Chloride
Alkyl (61%C12, 23%C14, 11%C16, 5%C8-C10-C18) Dimethyl Benzyl Ammonium Chloride
Alkyl (65%C12, 25%C14, 10%C16) Dimethyl Benzyl Ammonium Chloride
Alkyl (67%C12, 25%C14, 7%C16, 1%C8, C8, C10, C18) Dimethyl Benzyl Ammonium Chloride
Alkyl (90%C14, 5%C12, 5%C16) Dimethyl Benzyl Ammonium Chloride
Alkyl (93%C14, 4%C12, 3%C16) Dimethyl Benzyl Ammonium Chloride
Rocca-R (61%C12, 23%C14, 11%C16, 5%C18)
Tetradecyldimethylbenzyl Ammonium Chloride
2. Aluminum Phosphide *
Magnesium Phosphide
Zinc Phosphide
3. Boric Acid *
Boric Oxide
Borax
Sodium Metaborate
Disodium Octaborate Tetrahydrate
Sodium Tetraborate (Pentahydrate)

6198.5. List of Active Ingredients Identified Pursuant to Section 13127 of the Food and Agriculture Code., (continued)

(b) continued

4. Bromacil *
Bromacil, Dimethylamine Salt
Bromacil, Lithium Salt
Bromacil, Sodium Salt
5. Bromoxynil Octanoate *
Bromoxynil, Butyric Acid Ester
6. Chloramben *
Chloramben, Ammonium Salt
7. Chlordimeform *
Chlordimeform Hydrochloride
8. Ortho-Benzyl-Para-Chlorophenol *
Ortho-Benzyl-Para-Chlorophenol, Potassium Salt
Ortho-Benzyl-Para-Chlorophenol, Sodium Salt
9. Copper Hydroxide *
Copper Sulfate (Anhydrous)
Copper Sulfate (Pentahydrate)
Copper Ammonium Carbonate
Copper Bronze Powder
Copper Carbonate, Basic
Copper Oxide
Copper Oxychloride
Copper Oxychloride Sulfate
Copper-Sulfate (Basic)
Copper-Zinc Sulfate Complex
Cupric Oxide
10. Cyanuric Acid, Monosodium Salt *
Trichloro-S-Triazinetrione *
Dichloro-S-Triazinetrione
Sodium Dichloro-S-Triazinetrione
Sodium Dichloro-S-Triazinetrione (Dihydrate)
11. 2,4-D *
2,4-D, Dimethylamine Salt *
2,4-D, Alkanolamine Salts (Ethanol and Isopropanol Amines)
2,4-D, Butoxyethanol Ester
2,4-D, Butoxypropyl Ester

6198.5. List of Active Ingredients Identified Pursuant to Section 13127 of the Food and Agriculture Code., (continued)

(b) continued

11. 2,4-D, Butyl Ester
2,4-D, Diethanolamine Salt
2,4-D, Diethylamine Salt
2,4-D, N, N-Dimethyloleyl-Linoleylamine Salt
2,4-D, Dodecylamine Salt
2,4-D, 2-Ethylhexyl Ester
2,4-D, Isooctyl Ester
2,4-D, Isopropyl Ester
2,4-D, Morpholine Salt
2,4-D, Octyl Ester
2,4-D, N-oleyl-1, 3-Propylenediamine Salt
2,4-D, Propyl Ester
2,4-D, Propyleneglycolbutylether Ester
2,4-D, Sodium Salt
2,4-D, Tetradecylamine Salt
2,4-D, Triethylamine Salt
2,4-D, Triisopropylamine Salt
12. Dicamba *
Dicamba, Diethanolamine Salt
Dicamba, Dimethylamine Salt
Dicamba, Monoethanolamine Salt
13. Didecyl Dimethyl Ammonium Chloride *
Dioctyl Dimethyl Ammonium Chloride
Octyl Decyl Dimethyl Ammonium Chloride
Octyl Dodecyl Dimethyl Ammonium Chloride
14. Dinoseb *
Dinoseb, Amine Salt
Dinoseb, Ammonium Salt
Dinoseb Sodium Salt
Dinoseb, Triethanolamine Salt
15. Diphacinone *
Diphacinone, Sodium Salt
16. Endothall, Mono (N, N-Dimethylalkylamine) Salt *
Endothall
Endothall, Mono (N, N-Diethylalkylamine) Salt
Endothall, Dipotassium Salt

6198.5. List of Active Ingredients Identified Pursuant to Section 13127 of the Food and Agriculture Code., (continued)

(b) continued

17. Lithium Hypochlorite *
Calcium Hypochlorite
Sodium Hypochlorite
18. Maleic Hydrazide, Diethanolamine Salt *
Maleic Hydrazide, Potassium Salt *
Maleic Hydrazide
19. (Reserved)
20. MSMA *
DSMA
21. Paraquat Dichloride *
Paraquat Bis (Methylsulfate)
22. PCP *
PCP, Potassium Salt
PCP, Sodium Salt
23. Petroleum Distillate, Aromatic *
Kerosene
Petroleum Oil, Paraffin Based
Isoparaffinic Hydrocarbons
Petroleum Derivative Resin
Petroleum Distillates
Petroleum Distillates, Refined
Petroleum Hydrocarbons
Petroleum Naphthenic Oils
Petroleum Oil, Unclassified
Petroleum, Unrefined
24. Ortho-Phenylphenol *
Ortho-Phenylphenol, Ammonium Salt
Ortho-Phenylphenol, Potassium Salt
Ortho-Phenylphenol, Sodium Salt
25. Picloram *
Picloram, Triisopropanolamine Salt

6198.5. List of Active Ingredients Identified Pursuant to Section 13127 of the Food and Agriculture Code., (continued)

(b) continued

- 26. PMA *
Phenylmercuric Oleate
- 27. Pyrethrins *
Pyrethrum Narc
- 28. Tetrachlorophenol *
2,3,4,6-Tetrachlorophenol, Potassium Salt
Tetrachlorophenol, Sodium Salt
- 29. Thiabendazole, Hypophosphite Salt *
Thiabendazole
- 30. Thiophanate-Methyl *
Thiophanate
- 31. Tributyltin Benzoate *
Tributyltin Oxide *
Tributyltin Methacrylate
Bis (Tributyltin) Adipate
Tributyltin Acetate Tributyltin Chloride
Tributyltin Chloride Complex of Ethylene Oxide Condensate of Abietylamine
Tributyltin Fluoride
Tri-N-Butyltin Maleate
Tributyltin Monopropylene Glycol Maleate
Tributyltin Neodecanate
Tributyltin Resinate

NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference: Section 13127, Food and Agricultural Code.

6199. Fines for Ground Water Protection Data Gaps.

NOTE: Authority cited: Sections 407, 12781, 13145 and 13146, Food and Agricultural Code. Reference: Sections 13143 and 13145, Food and Agricultural Code.

6199.5. Assessment of Pesticide Registrants (The Pesticide Contamination Prevention Act, Sections 13141-13152 Food and Agricultural Code).

NOTE: Authority cited: Sections 407, 12781 and 13146, Food and Agricultural Code. Reference: Section 13146, Food and Agricultural Code.

6199.7. Submission of Ground Water Protection Data On Specified Ingredients and Degradation Products.

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 13143 and 13145, Food and Agricultural Code.

Chapter 2. Pesticides
Subchapter 1. Pesticide Registration
Article 4. Conditional Registration

6200. Conditional Registration.

The director may waive specific data requirements in this subchapter for a period reasonably sufficient, not to exceed three years, for the generation and submission of such required data provided:

(a) The pesticide product is registered pursuant to the Federal Insecticide, Fungicide and Rodenticide Act, the product is to be used under a Federal Experimental Use Permit, or the product is for use in California only.

(b) The applicant has provided the director with all data the applicant has available required by the U.S. EPA and by this subchapter to support registration of the pesticide product.

(c) No conditional registration shall be granted unless the data includes all of the following:

(1) Acute oral and dermal LD₅₀ data on the product.

(2) Acute LC₅₀ data on products which produce respirable aerosols or gases.

(3) Primary eye and skin irritation data on the product.

(4) When human contact is likely with soils or foliage containing residues, foliar and soil residue data as specified in Sections 6181 and 6182, sufficient to establish safe reentry level or interval.

(5) Analytical methods to determine residues of (1) each active ingredient and (2) each toxic metabolite that may result from the active ingredient for which a tolerance has been established by the U.S. EPA in the Code of the Federal Regulations. Test methods shall, as applicable, allow the director to determine residues in or on plant tissue, soil, and water.

(6) Preliminary efficacy data indicating the product is effective for the proposed use.

(d) The director complies with Section 6158.

(e) That each item of data waived is for a specific period.

Such period shall be no more than necessary for the applicant using good faith efforts to develop the information required by Sections 6176-6179, 6180(a), 6181-6183.

(f) The director makes a written finding, supported by substantial evidence, that the use of the pesticide during the periods while data are being developed, is not expected to cause any significant adverse effect on the environment, that a clear need for the use of the product in California exists while the data is being developed, and that specified benefits of using the pesticide outweigh specified risks to human health and the environment.

(g) The director requires the use of the best pest control methods and technology available including, but not limited to, methods of application to protect human health and the environment, and limitations to mitigate adverse effects to nontarget organisms or areas.

(h) Each registrant be required to submit a report to the director annually (with product renewal application if such a waiver extends over January 1 of any year) and whenever specifically requested by the director, detailing progress made towards development of each item of the waived data.

(i) Where the application is for a pesticide product containing a new active ingredient, the applicant has provided the following data in addition to the data required by Section 6200(c), (1)-(6) when required by the U.S. EPA to support the full unconditional registration of the product pursuant to Section 3 of the Federal Insecticide, Fungicide and Rodenticide Act and when specifically requested by the director:

6200. Conditional Registration., (continued)

- (1) Results of a two-year feeding study on oncogenicity on active ingredients in at least one animal species.
- (2) Results of a teratogenicity study and one generation of a two-generation combined male-female reproductive study on active ingredients.
- (3) Results of three mutagenicity studies on active ingredients that detect gene mutations, chromosomal aberrations, and DNA damage/repair.
- (4) Data to support medical management of poisoning or injury.

NOTE: Authority cited: Sections 11456 and 12781, Food and Agricultural Code. Reference: Sections 11501 and 12824-12825, Food and Agricultural Code.

Chapter 2. Pesticides
Subchapter 1. Pesticide Registration
Article 5. Exemptions

6205. Deodorizer or Cleansing Agent.

A product claimed, represented and intended solely as a deodorizer or deodorant, or as a cleansing agent, is not considered to be a pesticide.

NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference: Sections 12753 and 12801, Food and Agricultural Code.

6206. Section 18 Exemptions.

The director may apply to the U.S. EPA for a Section 18 exemption, pursuant to the Federal Insecticide, Fungicide and Rodenticide Act, when he or she determines that a specific public health quarantine or crisis emergency exists that requires the use of an unregistered pesticide and there is no feasible alternative to the exemption. In the case of Section 18 exemptions, the director may waive the data requirements in this subchapter, but shall require the utilization of the best pest control methods and technology available including, but not limited to, pest population monitoring, a determination of treatment thresholds, methods of application to protect human health and the environment, and limitations to mitigate adverse effects to nontarget organisms.

NOTE: Authority cited: Sections 11456, 12781 and 12824, Food and Agricultural Code. Reference: Sections 11501 and 12751-13102, Food and Agricultural Code.

Chapter 2. Pesticides
Subchapter 1. Pesticide Registration
Article 6. Adverse Effects Disclosure

6210. Adverse Effect Disclosure.

(a) If, during the registration process or at any time after the registration of a pesticide, the registrant has factual or scientific evidence of any adverse effect or risk of the pesticide to human health or the environment (including ambient air quality), the registrant shall immediately submit such evidence to the director. All such information including, but not limited to, that required under Section 6(a)(2) of the Federal Insecticide, Fungicide and Rodenticide Act, shall be submitted to the director.

(b) For the purposes of this section, "environment" means the total human surroundings, physical and biological, natural and artificial, including air, water, soil, plants, wildlife, and other ecological factors affecting the growth, development, and safety of people and other living organisms.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

Chapter 2. Pesticides
Subchapter 1. Pesticide Registration
Article 7. Renewals

6215. Renewal.

(a) Each registrant shall submit with each renewal application a statement, signed by an authorized official of the applicant under penalty of perjury, that, prior to filing the renewal application the registrant has, to the best of the applicant's knowledge based upon all information available to the applicant, complied with the provisions of Section 6210, (Adverse Effect Disclosure).

(b) Each renewal shall be issued within 60 days after the director receives an accurate and complete renewal application, unless the director takes action pursuant to Sections 12816, 12825, or 12827 of the Food and Agricultural Code.

(c) The director shall, when renewing a pesticide registration without a reevaluation, make a written finding that he or she has not received sufficient information necessitating reevaluation pursuant to Sections 6220 and 6221.

(d) Label amendments, including those made pursuant to Sections 18 and 24 (c) of the Federal Insecticide, Fungicide and Rodenticide Act, are subject to departmental review and approval pursuant to Section 6170(b). Approved label amendments are not subject to separate registration renewal requirements.

NOTE: Authority cited: Sections 11456, 12781, 14004.5 and 14006.7, Food and Agricultural Code. Reference: Sections 12812, 12817-12820 and 12824-12827, Food and Agricultural Code.

Chapter 2. Pesticides
Subchapter 1. Pesticide Registration
Article 8. Reevaluation Criteria

6220. Reevaluation.

The director may, at any time, evaluate a registered pesticide to carry out the provisions of Sections 12824, 12825, 12825.5, 12826 and 12827 of the Food and Agricultural Code. The director shall investigate all reported episodes and information received by the director that indicate a pesticide may have caused, or is likely to cause, a significant adverse impact, or that indicate there is an alternative that may significantly reduce an adverse environmental impact. If the director finds from the investigation that a significant adverse impact has occurred or is likely to occur or that such an alternative is available, the pesticide involved shall be reevaluated.

NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference: Sections 11501, 12824, 12825, 12825.5, 12826 and 12827, Food and Agricultural Code.

6221. Reevaluation Criteria.

The director shall also reevaluate a pesticide when certain factors have been found such as, but not limited to:

- (a) Public or worker health hazard.
- (b) Environmental contamination.
- (c) Pesticide residue overtolerance.
- (d) Fish or wildlife hazard.
- (e) Lack of efficacy.
- (f) Undesirable phytotoxicity.
- (g) Hazardous packaging.
- (h) Inadequate labeling.
- (i) Disruption of the implementation or conduct of pest management.
- (j) Other information suggesting a significant adverse risk.
- (k) Availability of an effective and feasible alternate material or procedure which is demonstrably less destructive to the environment.
- (l) Discovery that data upon which a registration was issued is false, misleading, or incomplete.

NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference: Sections 11501, 12824 and 12825.5, Food and Agricultural Code.

6222. Reevaluation Data Requirements.

(a) During a reevaluation, the director shall require submission of all data required for registration of a new pesticide by the U.S. EPA and by Sections 6159, 6170, 6176-6179, 6180(a), 6181-6192, and 6200 which is relevant to the focus of the reevaluation and has not previously been submitted to the department. The director shall allow a reasonable time for the development and submission of such data, not to exceed a period of two years. Notwithstanding the lack of such data, the director shall act expeditiously to protect against risks to human health and the environment.

6222. Reevaluation Data Requirements., continued

(b) If information is obtained from an individual or organization indicating possible adverse effect from the use of a pesticide, the director shall respond in writing to the individual or organization indicating the reasons for his or her decision either to reevaluate or not reevaluate the pesticide registration based upon the information submitted.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

6223. Notification.

The registrant whose pesticide product has been designated for reevaluation shall be immediately notified by the director. Such notice shall include the basis for the reevaluation.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

6224. Determinations.

During the reevaluation, the director shall determine if the pesticide should be classified as a restricted material pursuant to Section 14004.5 of the Food and Agricultural Code; and if additional restrictions on use are necessary, or if action pursuant to Section 12824, 12825, or 12826 of the Food and Agricultural Code should be taken.

NOTE: Authority cited: Section 12781, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11501, 12824, 12825, 12825.5, 12826, 14001, 14004.5 and 14005, Food and Agricultural Code.

6225. Reports.

The director shall publish a semi-annual report on pesticides reevaluated, under reevaluation, or which for factual or scientific information was received but no reevaluation was initiated.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

6226. Product Evaluation.

The director shall undertake continuous evaluation of all registered products. First priority shall be given to those products selected according to the specific criteria set forth in this section. Next priority shall be given to other products considered by the director to pose the greatest risk to people and the environment.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

6227. Annual Review.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

6228. Designation of Restricted Materials.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751 and 14104, Food and Agricultural Code.

Chapter 2. Pesticides
Subchapter 1. Pesticide Registration
Article 9. Trade Secret

6230. Trade Secrets.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12824, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

6231. Trade Secret Determinations.

NOTE: Authority cited: Sections 407, 11502, 12005, 12111, 12531, 12561, 12781, 12824, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

Chapter 2. Pesticides
Subchapter 1. Pesticide Registration
Article 10. Labeling

6235. Name, Brand, or Trademark of Pesticide.

The name, brand, or trademark of the pesticide appearing on the label shall be that under which the pesticide is registered.

NOTE: Authority cited: Section 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751-12994, Food and Agricultural Code.

6237. Placement of Label.

The label shall appear on the pesticide or the immediate container thereof. If the immediate container is enclosed within a wrapper or outside container through which the label cannot be clearly read by a person with normal vision, the label must also appear on such outside wrapper or container if it is a part of the retail package.

NOTE: Authority cited: Sections 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751-12994, Food and Agricultural Code.

6238. Acceptance of Labeling.

No label may represent a registered pesticide and no supplemental or associated information, whether written or oral, may represent a registered pesticide until such label and information is accepted by the director as part of the labeling. Recommended dilutions, if any, for use of a pesticide shall be submitted with the application.

NOTE: Authority cited: Section 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751-12994, Food and Agricultural Code.

6239. Name and Address of Manufacturer, Distributor, Packer, Formulator, or Registrant.

An unqualified name and address given on the label shall be considered as the name and address of the manufacturer. If the registrant's name appears on the label and registrant is not the manufacturer, or if the name of the person for whom the pesticide was manufactured appears on the label, it must be qualified by appropriate wording such as "Packed for _____," "Distributed by _____," or "Sold by _____," to show that the name is not that of the manufacturer. If a person has two or more locations at which a pesticide is manufactured or packaged, or from which it is distributed, the name and address of the person's principal office will be accepted except in cases where the director determines that the address of the exact location is necessary for the protection of the public. The address of the manufacturer, registrant, or person for whom manufactured shall include the street address, if any, unless the street address is shown in a current city directory or telephone directory.

NOTE: Authority cited: Sections 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751-12994, Food and Agricultural Code.

6240. Legibility of Label and Labeling.

All words, statements, graphic presentations, or designs required by the Food and Agricultural Code or these regulations to appear on the label or labeling must be clearly legible and easy to read by a person with normal vision. The signal word, when required, and the statement, "Keep out of the reach of children," when necessary, shall be of a size bearing a reasonable relationship to the other type on the front part of the label and to the size of the container. The signal word, when required, shall not be less than 18 point type, and the said warning statement shall not be less than 12 point type, unless the label space on the container is too small to accommodate such type sizes, in which case, the director shall prescribe the type size. When the size of the label space requires a reduction in type size, the reduction shall be made to a size no smaller than is necessary, and in no event to a size smaller than 6 point type.

NOTE: Authority cited: Sections 11456, 12781 and 14005, Food and Agricultural Code.
Reference: Sections 12751-12994, Food and Agricultural Code.

6241. Registration Number.

- (a) The assigned registration number shall appear on each pesticide label.
- (b) The registration number shall be shown on the label substantially as follows:
EPA REGISTRATION NO. 00000-00000-00000 or
EPA REG. NO. 00000-00000-00000 or if no Federal number has been assigned
REGISTRATION NO. 00000-00000-00000 or
STATE REG. NO. 00000-00000-00000

(The first five digits reflect the manufacturer or basic registrant; the second five digits the product; and the third five digits, if applicable, reflect the distributor.)

NOTE: Authority cited: Sections 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751-12994, Food and Agricultural Code.

6242. Warning or Caution Statement.

Warning or caution statements, which are necessary, and if complied with, adequate to prevent injury to living man and useful vertebrate animals, useful vegetation, and useful invertebrate animals, must appear on the label in a place sufficiently prominent to warn the user, and must state clearly and in nontechnical language the particular hazard involved in the use of the pesticide, e.g., ingestion, skin absorption, inhalation, flammability or explosion, and the precautions to be taken to avoid accident, injury, or damage.

- (a) The label of every pesticide shall bear warnings or cautions which are necessary for the protection of the public, including the statement, "Keep out of reach of children," and a signal word such as "Danger," "Warning," or "Caution" as the director may prescribe, on the front panel or that part of the label displayed under customary conditions of purchase; however, the director may permit reasonable variations on the placement of that part of the required warnings and cautions other than the statement, "Keep out of the reach of children," and the required signal word, if in his opinion such variations would not be injurious to the public.

6242. Warning or Caution Statement., continued

If a pesticide is marketed in channels of trade where the likelihood of contact with children is extremely remote, or if the nature of the product is such that it is likely to be used on infants or small children without causing injury in under reasonably foreseeable conditions, the director may waive the requirement of the statement, "Keep out of reach of children," if in his opinion such a statement is not necessary to prevent injury to the public. The director may permit a statement such as "Keep away from infants and small children" in lieu of the statement "Keep out of reach of children," if the director determined that such a variation would not be injurious to the public.

(b) The label of every pesticide which is highly toxic to man shall bear the word "Danger" along with the word "Poison" in red on contrasting background in immediate proximity to the skull and crossbones, and an antidote statement including directions to call a physician immediately on the front panel or that part of the label displayed under customary conditions of purchase; however, the director may permit reasonable variations in the placement of the antidote statement if some reference such as "See antidote statement on back panel" appears on the front panel near the word "Poison" and the skull and crossbones.

NOTE: Authority cited: Sections 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751-12994, Food and Agricultural Code.

6243. Scope of Labeling Requirements.

The labeling requirements in this article shall provide that pesticide products registered by the director meet, but not exceed, current U.S. EPA labeling requirements. The labeling requirements in this article shall apply equally to pesticide products currently registered by U.S. EPA and submitted to the director for registration, and those requiring registration only pursuant to Section 12811 of the Food and Agricultural Code.

NOTE: Authority cited: Sections 11456 and 12781, Food and Agricultural Code. Reference: Sections 12751-13102, Food and Agricultural Code.

Chapter 2. Pesticides
Subchapter 1. Pesticide Registration
Article 11. Subpackaging

6247. Subpackaging of Certain Pesticides for Resale to Consumers.

NOTE: Authority cited: Sections 12781 and 14005, Food and Agricultural Code. Reference: Sections 12751-12994, Food and Agricultural Code.

Chapter 2. Pesticides
Subchapter 1. Pesticide Registration
Article 12. Consultation and Public Review

6252. Pesticide Registration, Renewal, and Reevaluation Consultation.

This section applies to the registration, renewal of registration, and reevaluation of pesticides. The Department shall consult on decisions proposed pursuant to this section with public agencies which have jurisdiction by law over the use of pesticides or over activities or resources which may be affected by the use of pesticides. In doing so, the director shall establish an interagency advisory committee that shall be known as the Pesticide Registration and Evaluation Committee. This committee shall meet bimonthly or more often when requested by the director. The Pesticide Registration and Evaluation Committee shall consist of the following members:

- (a) The Director of the Department of Pesticide Regulation or his or her designee who shall serve as chair of the committee;
- (b) A representative from each of the other boards, offices, and departments in the California Environmental Protection Agency:
 - (1) The Air Resources Board;
 - (2) The Office of Environmental Health Hazard Assessment;
 - (3) The Integrated Waste Management Board;
 - (4) The State Water Resources Control Board;
 - (5) The Department of Toxic Substances Control.
- (c) A representative from each of the following state agencies:
 - (1) The Department of Food and Agriculture;
 - (2) The Department of Fish and Game;
 - (3) The Department of Industrial Relations;
 - (4) The Department of Health Services;
 - (5) The Structural Pest Control Board in the Department of Consumer Affairs;
 - (6) The University of California;
- (d) A representative from each of the following federal agencies:
 - (1) The U.S. Department of Agriculture/Agricultural Research Service;
 - (2) The U.S. Environmental Protection Agency, Region IX.
- (e) The President of the California Agricultural Commissioners and Sealers Association or his or her designee;
- (f) A representative of any other public agency that the Director of the Department of Pesticide Regulation deems appropriate after consultation with the existing committee membership.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

6253. Proposed Decision.

- (a) Each proposed decision relating to registration and renewal, and each decision to begin reevaluation shall be posted on the official bulletin boards of the department, and of each commissioner's office, and in each District office of the Division of Pest Management, Environmental Protection and Worker Safety for 30 days for public review and comment.

6253. Proposed Decision., continued

(b) A copy of the notice shall be sent to any person who requests it in writing. In addition, the public agencies consulted under Section 6252 shall be sent a copy of the notice.

NOTE: Authority cited: Sections 11456 and 12781, Food and Agricultural Code. Reference: Section 21080.4, Public Resources Code.

6254. Public Report.

Each public report shall include a description of the proposed action, a statement of any significant adverse environmental effect that can reasonably be expected to occur, directly or indirectly, from implementing the proposal, and a statement of any reasonable mitigation measures that are available to minimize significant adverse environmental impact.

Each public report shall also contain a statement and discussion of reasonable alternatives which would reduce any significant environmental impact. The public report may be included in the notice of proposed decision. The director may develop a schedule of actual cost for the reproduction of public reports to be charged to those requesting copies.

(a) The director shall not approve an activity which would cause a significant adverse environmental impact if there is a feasible alternative or feasible mitigation measure available which would substantially lessen any significant adverse impact which implementation of the proposal may reasonably be expected to have on the environment.

(b) Written Evaluation. The final action taken in regard to a decision subject to this section in which a significant adverse environmental point is raised during the evaluation process shall include a written evaluation of such points approved by the director.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

6255. Notice of Decision.

A notice of each decision subject to this article shall be filed within a week of its issuance with the Secretary of Resources for posting. Such notices shall be available for public inspection and shall remain posted for a period of 30 days.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12111, 12531, 12561, 12781, 12976, 12981, 14005 and 14006.7, Food and Agricultural Code. Reference: Sections 11401-12121, 12501-12671, 12751-13102 and 14001-14104, Food and Agricultural Code.

6256. Pest Management Advisory Committee.

(a) There is within the Department of Pesticide Regulation a Pest Management Advisory Committee. The Pest Management Advisory Committee shall consist of the following members:

(1) Six ex officio members;

The Director of the Department of Pesticide Regulation or his/her designee who shall serve as chair of the committee;

The Secretary of the California Department of Food and Agriculture or his/her designee who shall serve as vice chair;

6256. Pest Management Advisory Committee., continued

The President of the University of California or his/her designee;

The Regional Administrator of the U.S. EPA Region IX or his/her designee;

The Chancellor of the California State University or his/her designee;

The President of the California Agricultural Commissioners and Sealers Association or his/her designee.

(2) The following members who shall serve an initial term of office of from one to three years, as determined by the chair at the time of appointment, so that approximately one-third of these original committee members shall be replaced annually for the first three years.

Subsequent appointments shall be for a term of office of three years;

Five members representing academia and public foundations.

Six members representing agricultural production.

Four members representing environmental and public interest groups.

One member representing farm labor organizations.

One member representing general public and consumer advocacy.

One member representing nonagricultural pesticide user groups.

Two members representing pest control advisers.

Four members representing registrants and trade associations.

(b) The members of the Pest Management Advisory Committee shall be appointed by the Director of the Department of Pesticide Regulation, and serve at the pleasure of the chair. Vacancies will be filled for any unexpired term of office as appropriate. The Pest Management Advisory Committee shall assist the Department of Pesticide Regulation in identifying, facilitating, and promoting environmentally sound pest management practices and pest management systems. Pest Management Advisory Committee activities include, but are not limited to, reviewing proposals for pest management research and recommending to the director which proposals should be funded. Upon the joint decision of the chair and vice chair, funds in the Food Safety Account in the Department of Pesticide Regulation may be expended, upon appropriation, for pest management research purposes to carry out the recommendations of the Pest Management Advisory Committee. The committee shall meet at least quarterly or at the request of the chair. The chair may appoint subcommittees as needed to serve in an advisory capacity. Pest Management Advisory Committee members and any subcommittee members shall serve without compensation.

NOTE: Authority cited: Section 12536, Food and Agricultural Code. Reference: Section 12536, Food and Agricultural Code.

Chapter 2. Pesticides
Subchapter 1. Pesticide Registration
Article 13. Research Authorization

6260. Authorization for Research.

(a) With the exception of those persons exempted by section 6268, a written authorization for research shall be obtained from the director prior to any experimental, unregistered use of a pesticide.

(b) The authorization may specify conditions under which the research shall be conducted. The conditions may include, but are not limited to, handling of the treated commodity, safety equipment, reentry intervals, medical monitoring, and field posting.

(c) Research requiring an approved human exposure protocol pursuant to section 6710, shall be conducted in accordance with that protocol.

(d) The director may terminate, amend, or refuse to issue an authorization whenever it is determined that:

(1) The research may involve a hazard to handlers and/or field workers, the public health or the environment;

(2) The research is used for purposes unrelated to pesticide data development; or

(3) Violations of the authorization, a previous authorization, or Divisions 6 or 7 of the Food and Agricultural Code, or regulations adopted pursuant to them, have occurred in connection with such research.

(e) The research shall be conducted in accordance with the conditions of the authorization and the research authorization regulations of this article.

NOTE: Authority cited: Sections 12781 and 12976, Food and Agricultural Code. Reference: Sections 12995 and 14006.6, Food and Agricultural Code.

6261. Exemptions from Authorization for Research.

NOTE: Authority cited: Sections 407, 12781 and 12976, Food and Agricultural Code. Reference: Sections 12995 and 14006.6, Food and Agricultural Code.

6262. Application for Research Authorization.

(a) Application for a research authorization shall be made on a form prescribed by the director. The application shall require applicants to provide the following information:

(1) Name, mailing address and telephone number of applicant;

(2) Pesticide to be applied:

(A) The brand name, common name, or ID number;

(B) Residue tolerance established;

(C) U.S. EPA registration number;

(D) Dosage of active ingredient;

(E) Method of application;

(F) Type of pesticide;

(3) Type of site or commodity and stage of growth at which pesticide will be applied;

(4) Size, number, and total area of trials;

(5) Date of first and last applications;

6262. Application for Research Authorization., continued

- (6) Type of data sought;
- (7) Planned disposition of treated commodity; and
- (8) Signature and title of persons responsible for the trials.

(b) The director may require additional data if necessary to assess the potential adverse effects to workers, the public, and/or the environment.

NOTE: Authority cited: Sections 11456, 12781 and 12976, Food and Agricultural Code.
Reference: Sections 12995 and 14006.6, Food and Agricultural Code.

6263. Experimental Applications.

NOTE: Authority cited: Sections 407, 12781 and 12796, Food and Agricultural Code.
Reference: Sections 11411, 11501(a)(b)(f), 12995 and 14006.6, Food and Agricultural Code.

6264. Notification and Use of Research Authorization.

(a) At least 24 hours prior to beginning application of a pesticide requiring a research authorization, the researcher shall submit the following information to the agricultural commissioner of the county where the proposed trial site is located:

- (1) A copy of the research authorization; and
- (2) A notice of intent as provided in section 6434(b) specifying the location of each trial. If not submitted with the notice of intent, the researcher shall submit a plot map of the exact location of each trial within seven days after initial application of the pesticide.

(b) If no application of pesticide is made following the notice of intent, the researcher shall notify the agricultural commissioner within two weeks by submitting an Experimental Trial Report as described in section 6266(a).

NOTE: Authority cited: Sections 11456, 12781 and 12976, Food and Agricultural Code.
Reference: Sections 12995 and 14006.6, Food and Agricultural Code.

6264.1. Research Authorization – Pesticide Form.**6266. Reports of Research Authorization Use.**

(a) Following the final application of a pesticide requiring a research authorization in a particular trial location, and at least 24 hours prior to either harvest or crop destruction, the researcher shall submit an Experimental Trial Report to the agricultural commissioner including the following information:

- (1) Firm name;
- (2) Authorization number;
- (3) Commodity or site treated;
- (4) Date of report;
- (5) Trial location;
- (6) Date and method of planned disposition of treated commodity; and
- (7) Name and telephone number of researcher or representative responsible for crop disposition.

6266. Reports of Research Authorization Use., continued

(b) Within two weeks following the expiration date of the research authorization, the researcher shall submit to the department an Experimental Pesticide Use Report. This report shall include the following information:

- (1) Research authorization number;
- (2) Pesticide products applied;
- (3) Commodity or site treated;
- (4) Rate of active ingredient per acre or unit;
- (5) Total amount of active ingredient used;
- (6) Total acres or units treated;
- (7) Counties where trials were conducted;
- (8) Name, address and phone number of researcher; and
- (9) Certification that the commodity was harvested/disposed of as required by the authorization.

NOTE: Authority cited: Sections 11456, 12781 and 12976, Food and Agricultural Code.
Reference: Sections 12995 and 14006.6, Food and Agricultural Code.

6268. Exemptions from Authorization for Research.

(a) A pesticide registrant is exempt from the provisions of section 6260 when the registrant is the operator of the property upon which the research is to be conducted and continues to be the operator until the treated commodity is destroyed or harvested.

(b) Personnel employed by colleges and universities and engaged in pesticide research are exempt from section 6260 if they are operating according to the current established policy of the college or university which covers pesticide use and experimentation.

NOTE: Authority cited: Sections 11456, 12781 and 12976, Food and Agricultural Code.
Reference: Sections 12995 and 14006.6, Food and Agricultural Code.

6270. Costs and Fees Prohibited.

The research authorization holder shall not charge the operator, owner, or person in possession of the property upon which the research is being conducted for the materials or use of the pesticide in connection with the research authorization. This prohibition includes charges or fees for labor and services in connection with the research authorization.

NOTE: Authority cited: Sections 11456, 12781 and 12976, Food and Agricultural Code.
Reference: Sections 12995 and 14006.6, Food and Agricultural Code.

6272. Possession of Authorization.

Each person making an application of a pesticide under a research authorization shall have a copy of the authorization available at the use site at the time of the application.

NOTE: Authority cited: Sections 11456, 12781 and 12976, Food and Agricultural Code.
Reference: Sections 11501(a)(b)(f), 12995 and 14006.6, Food and Agricultural Code.

Chapter 2. Pesticides
Subchapter 1. Pesticide Registration
Article 14. Violations

6300. Misbranding.

A pesticide shall be deemed misbranding if its labeling contains one or more of the following or any graphic representation which is likely to be deceiving or misleading:

- (a) A false or misleading statement concerning the effectiveness of the product as a pesticide;
- (b) A false or misleading comparison with other pesticides;
- (c) Unwarranted claims as to the safety of the pesticide or its ingredients, including such statements as "Safe," "Nonpoisonous," "Nontoxic," "Noninjurious," or "Harmless" with or without such qualifying phrase as "When used as directed;"
- (d) Any statement directly or indirectly implying that a specific brand pesticide is recommended or endorsed by any agency of the Federal Government or the State of California or any political subdivision, agency or instrumentality thereof.

NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference: Sections 12881 and 12995, Food and Agricultural Code.

6301. Unregistered Products.

(a) Section 12995 shall not apply to an individual, who personally uses a substance for the purpose of controlling their residence or garden pests, provided no food or feed commodities treated with the substance are sold, distributed, or fed to animals that are sold or distributed for human consumption.

(b) Pesticide products whose registration has lapsed shall not be sold by the registrant, but may be possessed and sold by a dealer for two years after the last date of registration. If acquired while legally registered or within two years after the date of last registration, such products may be possessed and used according to the directions on the label.

(c) Notwithstanding the provisions of (b), it is unlawful to possess or use any pesticide which has been canceled or suspended pursuant to Sections 12825, 12826, or 12827 of the Food and Agricultural Code or under FIFRA (7 U.S.C. Section 136 et seq.), except as provided in such cancellation or suspension.

NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference: Section 12995, Food and Agricultural Code.

6350. DDT and DDD.

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 12824 and 12825, Food and Agricultural Code.

6352. 2,4,5-T.

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 12824 and 12825, Food and Agricultural Code.

6354. Inorganic Mercury Compounds.

NOTE: Authority cited: Sections 407, 12781 and 12976, Food and Agricultural Code.

Reference: Sections 12825, 12995 and 14102, Food and Agricultural Code.

6356. Inorganic Arsenic.

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 12824 and 12825, Food and Agricultural Code.

6358. Inorganic Phosphorous Paste.

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 12824 and 12825, Food and Agricultural Code.

6359. Ethylene Dibromide.

NOTE: Authority cited: Sections 407, 12781 and 14102, Food and Agricultural Code.

Reference: Sections 11501(b), 12824, 12825, 14001 and 14102, Food and Agricultural Code.

6360. Cadmium Compounds.

NOTE: Authority cited: Sections 407, 12781 and 12976, Food and Agricultural Code.

Reference: Sections 12825, 12995 and 14102, Food and Agricultural Code.

6361. Butyl Mercaptan Limitations.

(a) The Director of Food and Agriculture makes the following findings in relation to Sections 11501 and 12824 of the Food and Agricultural Code regarding pesticides labeled for defoliating plants, containing S,S,S-tributylphosphorotrithioate and tributylphosphorotrithioite.

(b) Butyl mercaptan is an odorous raw material used in the manufacture of these two pesticides.

(c) It is technically feasible to manufacture these two pesticides to contain less than 0.1 percent butyl mercaptan.

(d) Pesticides containing S,S,S-tributylphosphorotrithioate or tributylphosphorotrithioite in which the butyl mercaptan is found to exceed 0.1 percent by weight shall not be sold or used in California.

NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference: Sections 11501, 12752, 12824, 12931, 12976 and 12991, Food and Agricultural Code.

6362. 1,2-Dichloropropane Limitations.

NOTE: Authority cited: Sections 407, 12781 and 12976, Food and Agricultural Code.

Reference: Section 12824, Food and Agricultural Code.

Chapter 2. Pesticides
Subchapter 2. Cancellations and Suspensions
Article 2. Suspensions

6370. DBCP (1,2-Dibromo-3-Chloropropane).

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 12824, 12825, and 12826, Food and Agricultural Code.

6372. N-3-Pyridylmethyl N'-P Nitrophenyl Urea (Vacor).

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code. Reference: Sections 12824, 12825 and 12826, Food and Agricultural Code.

6379. Restrictions on Use of Bladex (Cyanizine).

NOTE: Authority cited: Sections 407 and 12781, Food and Agricultural Code.
Reference: Section 12824, Food and Agricultural Code.

Chapter 2. Pesticides
Subchapter 3. Assessments
Article 1. Mill Assessment Collection

6380. Sales Invoice Misrepresentation.

NOTE: Authority cited: Section 407 and 12781, Food and Agricultural Code. Reference: Section 12841, Food and Agricultural Code.

6382. Penalties.

For any delinquency in making a return, or any deficiency in payment, of the pesticides mill assessment which is received after the date due (one calendar month after March 31, June 30, September 30, and December 31 of each year), a penalty of 10 percent of the amount which is due shall be added.

NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference: Section 12843, Food and Agricultural Code.

6384. Exemptions.

When a registered pesticide is sold by the registrant to a purchaser for a nonpesticide use and the invoice clearly identifies its specific intended use, the sale is not subject to the mill assessment.

NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference: Section 12841, Food and Agricultural Code.

6386. Established Rate.

The director establishes the mill assessment on pesticides at nine mills (0.009) per dollar of sales for all sales of the registrant's registered and labeled pesticides for use in this State.

NOTE: Authority cited: Section 12781, Food and Agricultural Code. Reference: Section 12841, Food and Agricultural Code.

6388. Pesticide Sales and Assessment Reporting.

(a) Each registrant shall report quarterly to the department the total dollars of sales and total pounds or gallons of each registered and labeled pesticide product sold by the registrant for use in this State and the total assessments due. Each report of pesticide sales and assessment shall be on a form prescribed by the department or in a format approved by the director.

(b) An acceptable department form for reporting the pesticide sales is form "Report of Pesticide Sales in California," PR-ENF-181 (Est. 8/91). The information to be reported shall include the following:

- (1) The ending and delinquent date of the quarter being reported;
- (2) The name, address and United States Environmental Protection Agency (U.S. EPA) firm number of the registrant;
- (3) The EPA or State registration number and brand name of each product registered and sold for use in the State; and

6388. Pesticide Sales and Assessment Reporting., continued

(4) The total dollar sales and total pounds or gallons of each formulated product sold.

(c) An acceptable form for reporting the pesticide mill assessments is form "Report of Pesticide Mill Assessments in California," PR-ENF-180 (Est. 8/91). The information to be reported shall include the following:

(1) The ending and delinquent date of the quarter being reported;

(2) The name, address and U.S. EPA firm number of the registrant;

(3) The total dollar sales for all products registered and sold for use in the State during the quarter;

(4) The pesticide mill assessment rate;

(5) The total assessments and penalty (if applicable) that are due;

(6) The total amount of payment submitted;

(7) The name, title, signature and phone number of the authorized representative completing the form;

(8) The date when the form was completed; and

(9) Certification under penalty of perjury that the information contained in the report is true and correct.

(d) Whenever three or fewer registrants report sales of a pesticide product containing the same active ingredient, such reports will be considered trade secrets and will not be disclosed by the department.

NOTE: Authority cited: Sections 11456, 12781 and 12845, Food and Agricultural Code.

Reference: Sections 12843 and 12845, Food and Agricultural Code.

Chapter 2. Pesticides
Subchapter 3. Assessments
Article 2. Mill Assessment Disbursement Criteria

6390. Purpose of Article.

This article specifies the criteria to be used in allocating pesticide mill assessment funds to counties based upon each county's costs, pesticide regulatory activities, workload, and performance, pursuant to Section 12844 of the Food and Agricultural Code.

NOTE: Authority cited: Sections 11456, 12781 and 12844, Food and Agricultural Code.
Reference: Section 12844, Food and Agricultural Code.

6391. County Reimbursement.

(a) Reimbursement for work specified in section 6393(b) shall be made by April 1 of each year pursuant to section 12841 of the Food and Agricultural Code.

(b) Reimbursement shall not exceed costs incurred by the county as shown in the County Agricultural Commissioners' Annual Financial Statement, Item 5, entitled "Pesticide Use Enforcement."

NOTE: Authority Cited: Sections 11456, 12781 and 12844, Food and Agricultural Code.
Reference: Sections 12841 and 12844, Food and Agricultural Code.

6392. County Reports.

Each county shall submit a monthly report on a form prescribed by the director supporting the administration and enforcement of their pesticide regulatory program. The monthly report shall be submitted within 30 days after the end of each month. All reports shall be subject to audit by the director, and the director may require substantiation of the matters therein.

NOTE: Authority cited: Sections 11456 and 12781, Food and Agricultural Code.
Reference: Sections 11455, 12844 and 14012, Food and Agricultural Code.

6393. Criteria Items and Apportionment.

(a) The amount of funds allocated to each county for each criteria item shall be based on each county's costs or workload in proportion to the costs or workload of all counties, except as provided in sections 6391(b) and 6395.

(b) The apportionment for each criteria item shall be a percentage of the total mill assessment funds available for reimbursement to counties [less the amount specified in section 6395(b)]. Such criteria items and corresponding apportionments are as follows:

(1) Apportionment, 15 percent: The total number of Pesticide Use Enforcement Program inspections completed in accordance with the prioritization plan agreed upon by the Director and the commissioners and the commissioners' negotiated work plans;

6393. Criteria Items and Apportionment., continued

(2) Apportionment, 3 percent: The total number of: licensed pest control dealers located in each county; licensed agricultural pest control advisers, pest control businesses, pest control aircraft pilots, and farm labor contractors registered in each county; structural pest control operators providing notice of work in each county; active operator identification numbers in each county; and any additional similar workload activities approved jointly by the Director and the commissioners;

(3) Apportionment, 3 percent: The total number of private applicator certificate holders certified in each county;

(4) Apportionment, 30 percent: Work hours expended on pesticide-related activities that are agreed upon by the Director and the commissioners, provided the work hours are expended by persons holding a Pesticide Regulation and/or Investigation and Environmental Monitoring license or by unlicensed persons qualified to apply for a Pesticide Regulation and/or Investigation and Environmental Monitoring license who are closely supervised by persons holding a Pesticide Regulation and/or Investigation and Environmental Monitoring license;

(5) Apportionment, 28 percent: Expenditures reported by each county for pesticide-related activities that are agreed upon by the Director and the commissioners;

(6) Apportionment, 2 percent: The total pounds of pesticides used in the county that have been reported pursuant to Food and Agricultural Code section 12979;

(7) Apportionment, 4 percent: The total number of pesticide use report data records submitted by the county;

(8) Apportionment, 7 percent: The total number of restricted materials permits and permit amendments issued by each county; sites identified on all restricted materials permits and permit amendments issued by each county; and Notices of Intent reviewed by each county;

(9) Apportionment, 3 percent: The total number of pesticide investigation reports completed in accordance with the prioritization plan agreed upon by the Director and commissioners and commissioners' negotiated work plans;

(10) Apportionment, 2 percent: The total number of noncompliances documented during Pesticide Use Enforcement Program inspections; and

(11) Apportionment, 3 percent: Focused pesticide activities completed in accordance with the prioritization plan agreed upon by the Director and commissioners and the commissioners' negotiated work plans.

NOTE: Authority Cited: Sections 11456, 12781, and 12844, Food and Agricultural Code.

Reference: Sections 12841 and 12844, Food and Agricultural Code.

6394. Effectiveness Evaluation.

(a) The director shall annually evaluate the pesticide use enforcement program in each county. The evaluations shall be in accordance with the essential program element guidelines recognized by the director.

(b) The director shall provide a report to each commissioner that documents the evaluation results, assesses the effectiveness of the county's pesticide use enforcement program, and identifies corrective actions. The report shall identify the program areas that meet, exceed, or do not meet the essential program element guidelines recognized by the director. For program areas that do not meet these guidelines, the commissioner and the director shall jointly develop corrective actions to address deficient program areas.

6394. Effectiveness Evaluation., continued

The commissioner may appeal to the director to resolve conflicts concerning the evaluation results and the effectiveness assessment. The evaluation report will become final when conflicts are resolved and corrective actions, if needed, are identified.

(c) When any program fails to implement the jointly developed corrective actions included in the evaluation report, the Director shall take measures to improve the effectiveness of the county's pesticide use enforcement program. The measures may include but are not limited to, a reduction not to exceed 25 percent in the county's annual mill assessment allocation for the essential program elements recognized by the Director.

NOTE: Authority cited: Sections 11456, 12781 and 12844, Food and Agricultural Code.
Reference: Sections 2281 and 12844, Food and Agricultural Code.

6395. Minimum Reimbursement.

(a) Determinations as specified in sections 6393 and 6394(c), notwithstanding, but subject to section 6391 ~~(d)~~ (b), no county shall be reimbursed funds less than the amount of funds reimbursed to the county pursuant to Section 12844 of the Food and Agricultural Code, for the fiscal year ending June 30, 1979, unless the mill assessment funds available for allocation on March 1 of the current year are less than those funds available on March 1, 1980, in which case each county's reimbursement shall be reduced in the same proportion as it would have been reimbursed under this article.

(b) From the total funds available for allocation to counties, five percent shall be utilized for the stipulation of subsection (a) above.

NOTE: Authority cited: 11456, 12781, and 12844, Food and Agricultural Code.
Reference: Section 12844, Food and Agricultural Code.

6396. Residual Funds.

Any residual funds resulting after the application of Sections 6391, 6394(c), or 6395 shall be distributed to all counties not subject to Section 6395, in the same proportion as funds reimbursed under Sections 6393 and 6394(c).

NOTE: Authority cited: Sections 11456, 12781 and 12844, Food and Agricultural Code.
Reference: Section 12844, Food and Agricultural Code.

6397. Sunset Review of Regulations.

NOTE: Authority Cited: Sections 11456, Food and Agricultural Code.
Reference: Sections 11456, Food and Agricultural Code.

Chapter 2. Pesticides
Subchapter 4. Restricted Materials
Article 1. Restricted Materials

6400. Restricted Materials.

The director designates the pesticides listed in this section as restricted materials.

(a) Any pesticide labeled as a "Restricted Use Pesticide" pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act (Title 7, United States Code, section 136a).

(b) Any pesticide used under an "Emergency Exemption" issued pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (Title 7, United States Code, section 136p).

(c) Pesticides formulated as a dust, labeled to permit outdoor use, and packaged in containers of more than 25 pounds, except:

(1) Products containing only exempt materials specified in section 6402; and

(2) Products containing only carbaryl, disulfoton, endosulfan, lindane, strychnine, zinc phosphide or an active ingredient not otherwise included in this section, and labeled only for one or more of the following uses: home use, structural pest control, industrial use, institutional use, and use by public agency vector control districts pursuant to section 2426 of the Health and Safety Code.

(d) Pesticide products containing active ingredients listed in section 6800(a) (Potential to Pollute Groundwater), when labeled for agricultural, outdoor institutional, or outdoor industrial use.

(e) Certain other pesticides:

Acrolein, when labeled for use as an aquatic herbicide

Aldicarb (Temik)

Aluminum phosphide (Phostoxin)

4-Amino pyridine (Avitrol)

Azinphos-methyl (Guthion)

Calcium cyanide

Carbaryl (Sevin), except:

(1) When formulated as a bait; or

(2) When labeled only for one or more of the following uses: use directly on livestock or poultry, home use, structural pest control, industrial use, institutional use, or use by public agency vector control districts pursuant to section 2426 of the Health and Safety Code.

Carbofuran (Furadan)

Chloropicrin

3-Chloro-p-toluidine hydrochloride (Starlicide)

Dazomet, when labeled for the production of agricultural plant commodities.

Dicamba (Banvel), except:

(1) Liquid formulations packaged in containers of one quart or less regardless of percentage of dicamba;

(2) Liquid formulations that contain 15 percent or less dicamba packaged in containers of one gallon or less;

(3) Liquid formulations of a product that is labeled to be used without further dilution;

(4) Dry formulations, packaged in containers of one pound or less, of a product that is labeled to be further diluted for use; and

6400. Restricted Materials., continued

(5) Dry formulations, packaged in containers of 50 pounds or less, of a product that contains 10 percent or less dicamba and is labeled to be used without further dilution.

2,4-dichlorophenoxyacetic acid (2,4-D), except:

(1) Liquid formulations, packaged in containers of one quart or less, regardless of percentage of 2,4-D;

(2) Liquid formulations that contain 15 percent or less 2,4-D packaged in containers of one gallon or less;

(3) Liquid formulations of a product that is labeled to be used without further dilution;

(4) Dry formulations, packaged in containers of one pound or less, regardless of percentage of 2,4-D;

(5) Dry formulations, packaged in containers of 50 pounds or less, of a product that contains 10 percent or less 2,4-D and is labeled to be used without further dilution; and

(6) Products labeled only for use as a plant growth regulator.

2,4-dichlorophenoxybutyric acid (2,4-DB), except:

(1) Liquid formulations, packaged in containers of one quart or less, regardless of percentage of 2,4-DB;

(2) Liquid formulations that contain 15 percent or less 2,4-DB packaged in containers of one gallon or less;

(3) Liquid formulations of a product that is labeled to be used without further dilution;

(4) Dry formulations, packaged in containers of one pound or less, regardless of percentage of 2,4-DB; and

(5) Dry formulations, packaged in containers of 50 pounds or less, of a product that contains 10 percent or less 2,4-DB and is labeled to be used without further dilution.

2,4-dichlorophenoxypropionic acid (2,4-DP), except:

(1) Liquid formulations, packaged in containers of one quart or less, regardless of percentage of 2,4-DP;

(2) Liquid formulations that contain 15 percent or less 2,4-DP packaged in containers of one gallon or less;

(3) Liquid formulations of a product that is labeled to be used, without further dilution of 2,4-DP;

(4) Dry formulations, packaged in containers of one pound or less, regardless of percentage of 2,4-DP;

(5) Dry formulations, packaged in containers of 50 pounds or less, of a product that contains 10 percent or less 2,4-DP and is labeled to be used without further dilution.

1,3-dichloropropene (Telone II)

Disulfoton (Di-Syston), except when labeled only for one or more of the following uses: home use, structural pest control, industrial use, institutional use, and use by public agency vector control districts pursuant to section 2426 of the Health and Safety Code.

Endosulfan (Thiodan), except when labeled only for one or more of the following uses: home use, structural pest control, industrial use, institutional use, and use by public agency vector control districts pursuant to section 2426 of the Health and Safety Code.

Ethoprop (Mocap), when labeled for turf use.

Fenamiphos (Nemacur)

6400. Restricted Materials., continued

Lindane, except when labeled only for one or more of the following uses: home use, structural pest control, industrial use, institutional use, and use by public agency vector control districts pursuant to section 2426 of the Health and Safety Code.

Metam sodium, labeled for the production of agricultural plant commodities.

Methamidophos (Monitor)

Methidathion (Supracide)

Methomyl (Lannate), except fly baits containing not more than one percent methomyl.

Methyl bromide

2-methyl-4-chlorophenoxyacetic acid (MCPA), except:

(1) Liquid formulations packaged in containers of one quart or less regardless of percentage of MCPA;

(2) Liquid formulations that contain 15 percent or less MCPA packaged in containers of one gallon or less;

(3) Liquid formulations of a product that is to be used without further dilution;

(4) Dry formulations, packaged in containers of one pound or less, regardless of percentage of MCPA; and

(5) Dry formulations, packaged in containers of 50 pounds or less, of a product that contains less than 10 percent MCPA and is labeled to be used without further dilution.

Methyl isothiocyanate (MITC), labeled for the production of agricultural plant commodities.

Mevinphos (Phosdrin)

Molinate (Ordram)

Oxydemeton-methyl (Metasystox-R)

Paraquat (Gramoxone)

Parathion-methyl

Phorate (Thimet)

Potassium N-methyldithiocarbamate (metam-potassium), when labeled for the production of agricultural plant commodities.

Propanil (3,4-Dichloropropionanilide)

Sodium cyanide

Sodium fluoroacetate (compound 1080)

Strychnine, except rodenticides when labeled only for one or more of the following uses: home use, structural pest control, industrial use, institutional use, and use by public agency vector control districts pursuant to section 2426 of the Health and Safety Code.

Sulfotepp

Thiobencarb (Bolero)

Tribufos (DEF, Folex)

Tributyltin, organotin, or a tri-organotin compound formulated as an antifouling paint, coating or compound and labeled for the control of fouling organisms in an aquatic environment.

Zinc phosphide, except when labeled only for one or more of the following uses: home use, structural pest control, industrial use, institutional use, and use by public agency vector control districts pursuant to section 2426 of the Health and Safety Code.

NOTE: Authority Cited: Sections 14004.5 and 14005, Food and Agricultural Code. Reference: Sections 14004.5 and 14005, Food and Agricultural Code.

6402. Exempt Materials.

The director designates and establishes pursuant to Section 14006.7 of the Food and Agricultural Code the pesticides stated in this section as exempt materials.

- (a) Spray adjuvants
- (b) Petroleum oils
- (c) Sulfur
- (d) Lime
- (e) Lime-sulfur
- (f) Sodium polysulfide
- (g) Certain copper compounds
 - (1) Bordeaux mixture
 - (2) Copper acetate
 - (3) Copper carbonate
 - (4) Copper hydroxide
 - (5) Copper-lime mixtures
 - (6) Copper linoleate
 - (7) Copper oleate
 - (8) Copper oxychloride
 - (9) Copper sulfate (basic, monhydrate, and pentahydrate)
 - (10) Copper oxide
 - (11) Copper calcium oxychloride
- (h) *Bacillus thuringiensis* Berliner.

NOTE: Authority cited: Sections 11456 and 14006.7, Food and Agricultural Code. Reference: Section 14006.7, Food and Agricultural Code.

Chapter 2. Pesticides
Subchapter 4. Restricted Materials
Article 2. Possession and Use Limitations

6404. Certification Requirements.

NOTE: Authority cited: Sections 407, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501 and 14006, Food and Agricultural Code.

6406. Supervision Standards.

The certified applicator responsible for this supervision shall be aware of the conditions at the site of application and be available to direct and control the manner in which applications are made by the noncertified applicator. The availability of the certified applicator shall be directly related to the actual or potential hazard of the situation.

NOTE: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501 and 14006, Food and Agricultural Code.

6408. Private Applicator Certification.

NOTE: Authority cited: Sections 407, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501 and 14006, Food and Agricultural Code.

6410. Pesticide Safety Information Series.

NOTE: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501 and 14006, Food and Agricultural Code.

6412. Restricted Material Permit Requirements.

(a) Except as provided in this section and Sections 6400, 6414 and 6416, restricted materials shall be possessed or used only under permit of the commissioner or under his direct supervision, or under permit of the director in any county in which there is no commissioner.

(b) The person named in a restricted material permit is authorized to retain possession, except for sale, of materials for which the permit was valid after such permit expires, provided they are stored in accordance with Sections 6670 and 6672.

NOTE: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501 and 14006, Food and Agricultural Code.

6414. Permit Exemptions.

(a) Permits to possess restricted materials shall not be required of pesticide registrants or pest control dealers when operating under their license, or by commercial carriers to transport such materials.

6414. Permit Exemptions., continued

(b) No permit shall be required for restricted materials included only in subsection(a) of section 6400 (federally restricted use) when possessed or used by or under the supervision of a certified private or certified commercial applicator unless otherwise required by the commissioner pursuant to section 14006.5 of the Food and Agricultural Code

(c) No permit shall be required for antifouling paints or paints containing tributyltin.

(d) No permit shall be required for restricted materials used only for experimental or research purposes when possessed or used, by or under the supervision of, research personnel from colleges and universities provided they are operating according to the current established policy of the college or university which covers experimental pesticide use.

(e) No permit shall be required for restricted materials used according to a valid research authorization issued pursuant to section 6260.

NOTE: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006 and 14006.6, Food and Agricultural Code.

6416. Groundwater Protection Restrictions.

(a) A permit is required for possession or use of a pesticide containing a chemical listed in section 6800(a) when it is intended for agricultural, outdoor institutional or outdoor industrial use in the following situations:

(1) When use is to occur within a chemical's Pesticide Management Zone designated in section 6802;

(2) When the pesticide to be used contains a chemical for which no Pesticide Management Zones have been established in Section 6802; and

(3) When the pesticide to be used is also restricted for purposes other than ground water protection.

(b) No permit for use of a pesticide containing a chemical listed in section 6800(a) in a chemical's Pesticide Management Zone shall be issued unless the applicant for the permit submits a ground water protection advisory written by a licensed pest control adviser who has completed the Groundwater Protection Training Program approved and administered by the department, which shall be scheduled and announced at least once annually.

(c) No permit is required for use of a pesticide containing a chemical listed in section 6800(a) when the pesticide is used in a pest eradication program approved by the department, unless the pesticide is also restricted for purposes other than groundwater protection.

(d) Notwithstanding the provisions of this article and article 4, the chemicals listed in section 6800(a) may be applied for research or experimental purposes pursuant to a valid research authorization. The applicant must provide the location of the research or experimental site with the research authorization request. The exemptions found in section 6268 do not apply when a person wishes to use these chemicals for research or experimental purposes.

NOTE: Authority cited: Sections 11456, 12976, 14004.5, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14004.5, 14005 and 14006, Food and Agricultural Code.

6417. Research Authorization for Groundwater Protection List Chemicals.

NOTE: Authority cited: Sections 407, 12781, 12976, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Section 14006.6, Food and Agricultural Code.

Chapter 2. Pesticides
Subchapter 4. Restricted Materials
Article 3. Permit System

6420. Permit Requirements.

(a) Permits for agricultural use of a restricted material shall be issued in the name of the operator of the property to be treated. The permittee or, when allowed by the commissioner, the permittee's authorized representative or licensed agricultural pest control adviser, shall sign the permit. The authorized representative or licensed agricultural pest control adviser shall provide the commissioner with written documentation from the permittee to act on his/her behalf.

(b) Permits for nonagricultural use of a restricted material may be issued in the name of the operator of the property to be treated or a pest control business. A permit issued to the operator of the property shall be signed by either the permittee or, when allowed by the commissioner, the permittee's authorized representative. The authorized representative shall provide the commissioner with written documentation from the permittee to act on his or her behalf. A permit issued to the pest control business shall be signed by the owner or a qualified applicator licensee or qualified applicator certificate holder responsible to supervise the operations of the pest control business.

(c) The permittee shall be responsible for compliance with all permit conditions.

NOTE: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code.
Reference: Sections 11501 and 14006, Food and Agricultural Code.

6422. Permit Duration.

(a) Each permit issued for agricultural use of a restricted material shall be site and time specific. Pursuant to Food and Agricultural Code section 14007, any permit may be issued for a one-year period. Permits issued for perennial agricultural plantings, nonproduction agricultural sites, or nonagricultural sites may be issued for up to a three-year period. Permit applicants may apply for and obtain a permit for a shorter duration.

(b) A permit to use restricted materials shall be valid for the time specified unless sooner revoked or suspended.

NOTE: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code.
Reference: Sections 11501, 14006 and 14007, Food and Agricultural Code.

6424. Forms.

(a) Each application and permit to possess or use a restricted material shall be on a form either provided or approved by the director.

(b) All information required for a written notice of intent shall be on forms either provided or approved by the director.

NOTE: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code.
Reference: Sections 11501 and 14006, Food and Agricultural Code.

6426. Alternatives and Mitigation Measures.

(a) Each licensed agricultural pest control adviser and grower, when determining if and when to use a pesticide that requires a permit, shall consider, and if feasible, adopt any reasonable, effective and practical mitigation measure or use any feasible alternative which would substantially lessen any significant adverse impact on the environment.

(b) Each licensed agricultural pest control operator shall have available a copy of a written recommendation covering each agricultural use application of a pesticide that requires a permit, and operate in accordance with a pesticide permit issued by the commissioner. The standards for such recommendations are established in Section 6556.

NOTE: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501 and 14006, Food and Agricultural Code.

6428. Agricultural Permit Applications.

Except as provided in Section 6434(a), each application for a permit for agricultural use of a restricted material shall include the following information:

(a) Name and business address of the permittee and signature of either the permittee, or when allowed by the commissioner, the permittee's authorized representative or licensed agricultural pest control adviser;

(b) Location of each property to be treated;

(c) Identification of all known areas that could be adversely impacted by the use of the restricted material(s) including hospitals; schools, and playgrounds; residential areas (including labor camps); parks; lakes, waterways, estuaries, and reservoirs; state wildlife management areas; critical habitats of rare, endangered or threatened species; and livestock and crops; (a map or aerial photograph may be used for designating such areas);

(d) Identification of each commodity or crop, or if there is no commodity or crop the site to be treated;

(e) Anticipated pest problem(s) for each crop (pest(s) to be controlled);

(f) Restricted material(s) requiring a permit necessary to control each pest on each commodity, crop, or site;

(g) Approximate date(s) or crop stage(s) of intended restricted material application(s);

(h) Expected method of application including the dilution, volume per acre or other units, and dosage;

(i) Name of the pest control business, if any, and name, business address, and license or certificate number, with expiration date, of the certified private or certified commercial applicator responsible for supervising the possession or use of the restricted material(s).

NOTE: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501 and 14006, Food and Agricultural Code.

6430. Nonagricultural Permit Applications.

Each application for a permit for nonagricultural use of a restricted material shall include the following information:

(a) Name and business address of the operator of the property or the pest control business;

6430. Nonagricultural Permit Applications., continued

(b) The signature of either the permittee, or the authorized representative, or the owner or qualified applicator licensee or qualified applicator certificate holder responsible to supervise the operations of the pest control business;

(c) Restricted material(s) to be used;

(d) Pest(s) to be controlled;

(e) Method of application;

(f) Criteria for determining need for the pesticide application and

(g) Name, address and license or certificate number, with expiration date, of the certified applicator responsible for supervising the possession or use of the restricted material(s).

NOTE: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501 and 14006, Food and Agricultural Code.

6432. Permit Evaluation.

(a) Each commissioner, prior to issuing any permit to use a pesticide and when evaluating a notice of intent, shall determine if a substantial adverse environmental impact may result from the use of such pesticide. If the commissioner determines that a substantial adverse environmental impact will likely occur from the use of the pesticide, the commissioner shall determine if there is a feasible alternative, including the alternative of no pesticide application, or feasible mitigation measure that would substantially reduce the adverse impact. If the commissioner determines that there is a feasible alternative or feasible mitigation measure which significantly reduces the environmental impact, the permit or intended pesticide application shall be denied or conditioned on the utilization of the mitigation measure. When the commissioner determines that there is a likelihood that permit conditions have been or will be violated he shall take appropriate action to assure compliance.

Each commissioner is responsible for knowing local conditions and utilizing such knowledge in making these determinations. Each commissioner shall also consider and, where appropriate, utilize the provisions of Section 14006.5 and other applicable sections of the Food and Agricultural Code, applicable sections of this code, applicable pest management guides, restricted materials hazard chart, Pesticide Safety Information Series, information obtained from monitoring other pest control operations, and other information required by the director.

(b) In addition to the requirement of Sections 6428 and 6430, each permit shall contain the following:

(1) Appropriate conditions or limitations on the use of the pesticide(s) including available Pesticide Safety Information Series leaflets for each pesticide included on the permit;

(2) Requirements, if any, for notice prior to an agricultural use pesticide application. In the case of nonagricultural use, notice shall be required to the extent it is necessary to comply with inspection responsibilities and with the monitoring requirements of Section 6436; and

(3) Appropriate conditions or limitations such as those described in available pest management guides. The commissioner shall inform the permittee of, and where to obtain, any pest management guide applicable to the pest control authorized in the permit.

NOTE: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501 and 14006, Food and Agricultural Code.

6434. Notice of Intent.

(a) If the information required by (g), (h), and (i) of Section 6428 is not provided on the permit, it shall be included in the notice of intent.

(b) When a notice of intent is required by the commissioner, it shall provide the following information concerning the proposed application. If the information required by this paragraph has been provided on the permit, it may be referenced on the notice of intent.

- (1) Permit number;
- (2) Name and address of permittee and applicator;
- (3) Location of areas to be treated and name of farm operator;
- (4) Crop or commodity, or if there is no crop or commodity the site to be treated;
- (5) Approximate acres or other units;
- (6) Method of application;
- (7) Pesticide(s);
- (8) Dilution, volume per acre or other units, and dosage;
- (9) Pest(s) to be controlled;
- (10) Date intended application is to commence; and
- (11) Location and identity of areas specified in Section 6428 which have changed since the permit was issued and which may be adversely impacted. A map or aerial photograph may be used for designating such locations.

The commissioner shall be notified at least 24 hours prior to commencing the use of a pesticide requiring a permit. The notice of intent to apply a pesticide may be submitted to the commissioner by the operator of the property to be treated, by such operator's authorized representative, or by the licensed pest control operator who is to apply the pesticide. The commissioner may allow less than 24 hours notice if he determines that because of the nature of the commodity or pest problem effective pest control cannot be attained or when 24 hours are not necessary to adequately evaluate the intended application.

NOTE: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code.
Reference: Sections 11501 and 14006, Food and Agricultural Code.

6436. Permit Monitoring.

The director shall develop and the commissioner shall utilize a valid statistical program for monitoring sites to be treated which requires more frequent monitoring of individuals who have a record of noncompliance with applicable laws and regulations including violations of Section 6556. Such program shall require monitoring of no less than five percent of the sites identified in permits or notices of intent to apply a pesticide for an agricultural use. Such monitoring shall include an evaluation of the basis for the intended application including the written recommendation, if any. In the case of nonagricultural uses, the pesticide use of each permit holder shall be inspected at least once a year. Such monitoring shall insure compliance with this section and with the provisions of Section 14006.5 of the Food and Agricultural Code. No application shall be allowed to proceed if noncompliance with these provisions exists.

NOTE: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code.
Reference: Sections 11501 and 14006, Food and Agricultural Code.

6438. Pest Control Records.

NOTE: Authority cited: Sections 407, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501 and 14006, Food and Agricultural Code.

6440. Pesticide Use Reports.

NOTE: Authority cited: Sections 407, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 11501, 14006 and 14011.5, Food and Agricultural Code.

6442. Permit Review.

Section 14009 of the Food and Agricultural Code provides for a review by the director of the action of an agricultural commissioner in issuing, refusing, revoking, suspending, or conditioning a restricted materials permit. This section states the standards and procedures applicable to such review by the director.

(a) Registration of a restricted material is not in itself a right to use the pesticide, but rather a department determination that under appropriate local conditions the commissioner can grant a use permit for the material.

(b) The decision of an agricultural commissioner in issuing, conditioning, refusing, revoking, or suspending a restricted materials permit will be reversed by the director only for a clear abuse of discretion by the commissioner in applying the applicable restricted materials provisions of the Food and Agricultural Code (beginning with section 14001) and regulations in Title 3, California Code of Regulations (beginning with section 6400). The burden of establishing abuse of discretion is on the person requesting the review.

(c) The director's review is limited to the particular permit involved.

(d) The person requesting the review of the issuance of a permit may request that the director stay the operation of the permit for a limited time or until the matter is finally decided. Whether the stay will be granted or refused will be determined by the director as soon as practicable based on the reasons stated for the stay in the request for review and supporting documents, any counter documents or arguments which are timely submitted to the director by the commissioner or permittee, and the director's own preliminary analysis of whether a stay is necessary to avoid a significant health hazard or significant crop, environmental, or property damage.

NOTE: Authority cited: Section 11456, Food and Agricultural Code. Reference: Section 14009, Food and Agricultural Code.

6443. Permits for Use of Phenoxy Herbicides on Timberland.

(a) Permits issued by county agricultural commissioners for aerial application of phenoxy herbicides for conifer release or for site preparation for commercial timber production shall be subject to the requirements of this section.

(b) Each permit issued for such use shall be posted immediately, or as soon as practicable, by the commissioner in all offices of the commissioner and by the permittee at a post office or similar public place reasonably located so as to be seen by persons living within one mile of the proposed spraying area and shall remain posted until the expiration of such permit.

6443. Permits for Use of Phenoxy Herbicides on Timberland., continued

(c) Within five days after issuance of the permit, the permittee shall mail a copy of the permit to all owners of record of property within 300 feet of the area to be treated. The permittee shall also mail a copy to all persons residing within 300 feet of the spray site described in the permit area who have filed a request for written notification with the commissioner.

(d) Each posted and mailed copy of the permit shall include notice of the provisions of this section, Section 6442, Food and Agricultural Code Section 14009, and the names and addresses of the county agricultural commissioner and the permittee.

(e) If a request for review is mailed to the commissioner within 20 days of the issuance of the permit, no herbicide application pursuant to the permit shall be made until 30 days after such review is completed; however, a further stay may be granted by the director pursuant to an appeal by a person directly affected by the commissioner's action. A copy of the commissioner's decision shall be mailed to the person who requested the review and the permittee.

(f) The commissioner shall grant a review, pursuant to Food and Agricultural Code Section 14009, to any interested person.

(g) If no request for review is received by the commissioner within 30 days of the permit issuance, the application may commence without further delay.

(h) If a request by a person directly affected by the commissioner's action, for a stay and appeal of the commissioner's review action is mailed to the director within 20 days of the date of the commissioner's review decision, no herbicide application pursuant to the permit shall be made until 15 days after the request is acted upon by the director. The applicant shall mail a copy of the appeal to the commissioner and to the permittee at the same time that the appeal is mailed to the director. The appeal must contain the following statement above the signature of the appellant: "I hereby certify that I have mailed copies of this appeal to the county agricultural commissioner and to the permittee." The appeal shall also contain a copy of the commissioner's review decision.

(i) The director shall grant a stay of the permit and an appeal pursuant to Food and Agricultural Code Section 14009 to all appellants who are directly affected by the permit action.

For the purpose of this section, an appellant shall be considered to be directly affected by the permit action where the appellant establishes that his or her residence, crops, property, or water supply point source lies within one-half mile of the spray site described in the permit. A movable camp site, trailer, home, or other portable property temporarily located in proximity to a spray site shall not qualify as a residence or located concern. The director may find that an appellant located more than one-half mile from the spray site is directly affected.

(j) The director may rely on the commissioner's determination of the appellant's location, if such a determination was included in the commissioner's decision. The appellant may contest this determination in the appeal.

(k) The director may deny an appeal and refuse a stay request in the following cases:

(1) Where an appeal is filed not by an appellant directly affected by the permit for the protection of the appellant's personal interest but, rather, by another on the appellant's behalf, or,

(2) Where an appeal fails to allege a specific abuse of discretion on the part of the commissioner in the issuance of the permit but, rather, asserts only an objection to phenoxy herbicide spraying, in general; or

6443. Permits for Use of Phenoxy Herbicides on Timberland., continued

(3) Where an appeal fails to identify the specific location of appellant's source of concern, such as appellant's residence, cropland, water supply, or other fixed geographical reference so as to allow an assessment of the hazards associated with the permit.

(l) Where the director's decision denies an appeal or refuses a stay, the appellate shall be advised of the right to seek judicial review of the decision.

(m) A copy of the director's decision shall be mailed to the appellant, the commissioner, and the permittee.

(n) If no appeal is received by the director with 30 days of the commissioner's review decision, the aerial application may commence without further delay.

If the director's decision upholds the permit issuance and the permit cannot be exercised because of the delay involved in the stay and/or review, the permit shall be extended by order of the director for a sufficient length of time to allow for spraying at the earliest possible date, but in no case longer than 12 months.

NOTE: Authority cited: Sections 11456, 14001, 14005 and 14006, Food and Agricultural Code.
Reference: Sections 14004, 14006.5 and 14009, Food and Agricultural Code.

6444. Generalized Effects.

If at any time pesticide residues, symptoms, or health hazards appear generally throughout any area, the director or commissioner may cause a field inspection to be made. If it appears that substantial loss, damage or injury is likely to result from continued application of a specific pesticide within such area, the director or commissioner may cause all permits for applications of that pesticide within such area canceled and specify that no additional permits shall be issued therein.

NOTE: Authority cited: Sections 11456, 14005 and 14102, Food and Agricultural Code.
Reference: Sections 11501 and 14006, Food and Agricultural Code.

Chapter 2. Pesticides
Subchapter 4. Restricted Materials
Article 4. Use Requirements

6450. Chloropicrin and Methyl Bromide -Field Fumigation.

The provisions of this section and sections 6450.1, 6450.2, 6450.3, and 6784(b) pertain to field soil fumigation use requirements using methyl bromide, singly or in combination with chloropicrin or any other pesticide or warning agent. For purposes of these sections, field soil fumigation does not apply to golf courses, tree holes, potting soil, raised-tarpaulin nursery fumigations of less than one acre, and greenhouses and other similar structures.

(a) Notwithstanding section 6428, the operator of the property to be treated shall submit a proposed worksite plan to the commissioner for evaluation at least 7 days prior to submitting a notice of intent. The proposed worksite plan shall include, but is not limited to, method of application to be used, acreage and identification of each application block to be treated, application rate to be used, description of the notification procedure to property operators pursuant to section 6450.1(b), description of any activities within the buffer zone(s) as specified in section 6450.2(e) and (f), and if applicable, description of the tarpaulin repair response plan, and tarpaulin removal. The commissioner shall retain the proposed worksite plan for one year after the expiration of the permit.

(b) The commissioner, pursuant to section 6432, shall evaluate local conditions and the proposed worksite plan.

(c) The commissioner shall include at least the following when conditioning a permit: the buffer zone requirements, work hour restrictions, notification requirements, any other restrictions to address local conditions, and if applicable, description of the tarpaulin repair response plan and tarpaulin removal. The commissioner shall complete the evaluation and complete conditioning the permit prior to the submission of the notice of intent.

(d) An application block shall not exceed 40 acres.

(e) Tarpaulins shall have a permeability factor between 5 and 8 milliliters methyl bromide per hour, per square meter, per 1,000 parts per million of methyl bromide under the tarpaulin at 30 degrees Celsius, and be approved by the Department. A list of approved tarpaulins is available from the Department.

(f) Tarpaulins shall be buried under at least four inches of firmly packed soil at the end of the rows. The tarpaulins shall remain in place for the time specified in section 6450.3.

(g) Fumigation equipment shall be operated to eliminate pesticide drip by clearing the fumigant from the injection device before it is lifted or removed from the soil.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

6450.1. Methyl Bromide Field Fumigation Notification Requirements.

(a) Notification to the Commissioner.

(1) Notwithstanding section 6434, the operator of the property to be treated shall assure that the commissioner is notified (notice of intent) at least 48 hours prior to commencing fumigation. The notice of intent shall indicate the hour the fumigation is intended to commence and the information specified in section 6434(b).

6450.1. Methyl Bromide Field Fumigation Notification Requirements., continued

(2) The fumigation shall not commence sooner than the intended starting time or later than 12 hours after the intended starting time specified on the notice of intent.

(3) If fumigation of an application block does not commence within the time specified in (a)(2), a new notice of intent must be submitted but no 48 hour waiting period is needed unless required by the commissioner.

(4) For multiple application blocks to be fumigated sequentially, the commissioner may allow one notice of intent that includes an application schedule for all the application blocks in lieu of a separate notice of intent for each application block to be fumigated. The schedule must specify the date and time each application block is intended to be fumigated.

(b) Notification to Property Operators.

(1) The operator of the property to be treated shall assure that operators of the following properties within 300 feet from the perimeter of the outer buffer zone receive notification that a permit to use methyl bromide near their property has been issued by the commissioner: properties that contain schools, residences, hospitals, convalescent homes, onsite employee housing, or other similar sites identified by the commissioner. Notification shall be in writing, or by other means approved by the commissioner. The operator of the property to be treated shall assure that notification is delivered at least seven (7) days prior to the submission of the notice of intent. The notification shall include the following information:

(A) the name of the chemical(s) to be applied;

(B) name, business address, and business telephone number of the operator of the property to be treated;

(C) name, business address, and business telephone number of the commissioner;

(D) the earliest and latest dates that the fumigation will start; and

(E) how to request subsequent notification of specific date and time of the fumigation.

(2) The operator of the property to be treated shall assure that specific notification of the date and time of the start of the fumigation and anticipated expiration of buffer zones is provided to those persons notified in (b)(1) who request specific fumigation information. This specific fumigation notification shall be provided at least 48 hours prior to starting the fumigation. If a request for specific notification is received after the submission of the notice of intent and before the fumigation begins, the specific fumigation notification shall be provided prior to starting the fumigation, but the 48-hour requirement shall not apply. If the fumigation of an application block does not commence within the time frame specified in (a)(2), then a new notification must be provided to those persons who requested the information, but the 48-hour requirement shall not apply unless required by the commissioner.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

6450.2. Methyl Bromide Field Fumigation Buffer Zone Requirements.

(a) The commissioner shall approve buffer zone sizes and durations based upon local conditions.

(b) The operator of the property to be treated shall assure that all buffer zone distances are measured from the perimeter of the application block.

6450.2. Methyl Bromide Field Fumigation Buffer Zone Requirements., continued

(c) The buffer zone restrictions shall begin at the start of fumigation. The buffer zone restrictions shall remain in effect for at least 36 hours after the completion of the injection to the application block.

(d) Two buffer zones, an inner and outer for each application block, shall be approved by the commissioner after the proposed worksite plan is submitted.

(e) Inner Buffer Zone Restrictions.

(1) The inner buffer zone shall be at least 50 feet.

(2) The operator of the property to be treated shall assure that no persons are allowed within the inner buffer zone except to transit and perform fumigation handling activities.

(3) The inner buffer zone shall not extend into adjoining property except as provided below:

(A) The inner buffer zone may extend into adjoining agricultural property if the adjoining property operator gives written permission and allows the operator of the property to be treated to post the inner buffer zone boundary on the adjoining property with signs. If such written permission is given, the operator of the property to be treated shall assure that:

1. the inner buffer zone boundaries on the adjoining property are posted with signs while the buffer zone is in effect; and

2. the signs are posted so that the wording is clearly visible, to persons with normal vision, from a distance of 25 feet and shall contain the following words: "METHYL BROMIDE INNER BUFFER ZONE" and "KEEP OUT" and "NO ENTRE"; and

3. the signs are posted at intervals not exceeding 200 feet.

(B) With approval from the commissioner, the inner buffer zone may extend across sites only where transit activities may occur, including streets, roads, roads within agricultural property, highways, and other similar means of travel. Written permission and posting requirements in 6450.2(e)(3)(A) shall not apply.

(f) Outer Buffer Zone Restrictions.

(1) The outer buffer zone shall be at least 60 feet.

(2) The operator of the property to be treated shall assure that no persons are allowed within the outer buffer zone except to transit, perform fumigation handling activities, and commissioner-approved activities as identified in the restricted materials permit conditions. In no instance shall persons be allowed within the outer buffer zone for more than 12 hours in a 24-hour period.

(3) The outer buffer zone may extend into other properties with permission from the operators of these other properties. In no instances shall the outer buffer zone contain occupied residences or occupied onsite employee housing while the outer buffer zone is in effect. The outer buffer zone shall not extend into properties that contain schools, convalescent homes, hospitals, or other similar sites identified by the commissioner.

(4) The outer buffer zone may extend across roads, highways, or similar means of travel or sites approved by the commissioner.

(g) The operator of the other properties specified in (e)(3)(A) and (f)(3) above, shall notify the following persons that a buffer zone(s) has been established on the property: onsite employees, including those of a licensed pest control business or farm labor contractor. The notice to employees shall be given prior to the commencement of the employee's work activity.

6450.2. Methyl Bromide Field Fumigation Buffer Zone Requirements., continued

Notification to farm labor contractor employees may be done by giving written notice to the farm labor contractor who shall then give the notice to the employee. Employee notification shall include information required in section 6450.1(b)(2).

(h) If the operator of the other property is required to notify his/her employees as specified in (g), then the operator of the property to be treated shall assure that specific notification of the date and time of the start of the fumigation and anticipated expiration of buffer zones is provided to the other property operator. This specific fumigation notification shall be provided to the other property operator at least 48 hours prior to starting the fumigation. If the fumigation of an application block does not commence within the time frame specified in (a)(2), then a new notification must be provided to the other property operator specified in (e)(3)(A) and (f)(3), but the 48-hour requirement shall not apply unless required by the commissioner.

(i) When a school property is within 300 feet of the perimeter of the outer buffer zone, the injection shall be completed 36 hours prior to the start of a school session. School session shall be those times when students are attending scheduled classes.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

6450.3. Methyl Bromide Field Fumigation Methods.

(a) The fumigation shall be made only in accordance with the following restrictions, except for experimental research purposes pursuant to a valid research authorization issued according to section 6260.

(1) Nontarpaulin/Shallow/Bed

(A) Application rate shall not exceed 200 pounds of methyl bromide per acre.

(B) The application tractor shall be equipped with an air fan dilution system.

(C) Rearward-curved (swept-back) chisels shall be used with:

1. closing shoes and bed-shaper, or closing shoes and compaction roller; and
2. chisel injection points positioned beneath and ahead of the closing shoes.

(D) Injection depth shall be between 10 and 15 inches. The injection depth to preformed beds must not be below the bed furrow.

(E) Injection spacing shall be 40 inches or less.

(F) The soil shall not be disturbed for at least 3 days (72 hours) following completion of injection to the application block.

(G) The application block restricted entry interval shall be 3 days.

(2) Nontarpaulin/Deep/Broadcast

(A) Application rate shall not exceed 400 pounds of methyl bromide per acre.

(B) Forward-curved chisel shall be used with:

1. An application tractor equipped with an air fan dilution system and the injection depth shall be at least 20 inches; or
2. Closing shoes and compaction roller and the injection depth shall be at least 24 inches.

(C) Injection spacing shall be 68 inches or less.

(D) The soil shall not be disturbed for at least 4 days (96 hours) following completion of injection to the application block.

6450.3. Methyl Bromide Field Fumigation Methods., continued

- (E) The application block restricted entry interval shall be 4 days.
- (3) Tarpaulin/Shallow/Broadcast
 - (A) Application rate shall not exceed 400 pounds of methyl bromide per acre.
 - (B) Application shall be made using either:
 - 1. An application tractor equipped with an air fan dilution system, and with a plow consisting of horizontal v-shaped blades mounted by a vertical arm to the tool bar. The fumigant shall be injected laterally beneath the soil surface; or
 - 2. Rearward-curved (swept-back) chisels, closing shoes, and compaction roller shall be used.
 - (C) Injection depth shall be between 10 and 15 inches.
 - (D) Injection spacing shall be 12 inches or less.
 - (E) The tarpaulin shall be laid down simultaneously (with fumigant injection) by tarpaulin-laying equipment mounted on the application tractor.
 - (F) The tarpaulin shall not be cut until a minimum of 5 days (120 hours) following completion of injection to the application block. The tarpaulin shall be cut pursuant to section 6784(b)(5).
 - (G) Tarpaulin removal shall begin no sooner than 24 hours after tarpaulin cutting has been completed.
 - (H) The application block restricted entry interval shall end at completion of tarpaulin removal, and shall be at least 6 days.
- (4) Tarpaulin/Shallow/Bed
 - (A) Application rate shall not exceed 250 pounds of methyl bromide per acre.
 - (B) Rearward-curved (swept-back) chisels shall be used with either:
 - 1. Closing shoes and compaction roller. The closing shoes shall cover the chisel marks with soil just ahead of the compaction roller, and the tarpaulin shall be laid down simultaneously (with fumigant injection) by tarpaulin-laying equipment mounted on the application tractor; or
 - 2. Bed shaper. The chisels shall be placed with the injection point under the bed shaper, and the tarpaulin shall be laid down simultaneously (with fumigant injection) by tarpaulin-laying equipment mounted on the application tractor; or
 - 3. Combination bed former and bed shaper. The chisels shall be placed between the bed former and the bed shaper. The tractor with the tarpaulin-laying equipment shall immediately follow the application tractor.
 - (C) Injection depth shall be between 6 and 15 inches. The injection depth to preformed beds must not be below the bed furrow.
 - (D) Injection spacing shall be 12 inches or less.
 - (E) The tarpaulin shall not be cut until at least 5 days (120 hours) following completion of injection to the application block.
 - (F) If tarpaulins are removed before planting, tarpaulin removal shall begin no sooner than 24 hours after tarpaulin cutting has been completed. The application block restricted entry interval shall end at completion of tarpaulin removal, and shall be at least 6 days.
 - (G) If tarpaulins are not to be removed before planting, the application block restricted entry interval shall either:
 - 1. consist of the 5-day period described in subsection (E) plus an additional 48 hours after holes have been cut for planting, or
 - 2. be at least 14 days. If this option is chosen, the methyl bromide air concentration underneath the tarpaulin must test less than 5 parts per million before planting begins.

6450.3. Methyl Bromide Field Fumigation Methods., continued

- (5) Tarpaulin/Deep/Broadcast
 - (A) Application rate shall not exceed 400 pounds of methyl bromide per acre.
 - (B) Forward-curved chisels shall be used with either:
 - 1. An air fan dilution system on the application tractor; or
 - 2. Closing shoes and compaction roller.
 - (C) Injection depth shall be at least 20 inches.
 - (D) Injection spacing shall be 66 inches or less.
 - (E) The tarpaulin shall be laid down simultaneously (with fumigant injection) by tarpaulin-laying equipment mounted on the application tractor.
 - (F) The tarpaulin shall not be cut until at least 5 days (120 hours) following completion of injection to the application block. The tarpaulin shall be cut pursuant to section 6784(b)(5).
 - (G) Tarpaulin removal shall begin no sooner than 24 hours after tarpaulin cutting has been completed.
 - (H) The application block restricted entry interval shall end at completion of tarpaulin removal, and shall be at least 6 days.
- (6) Drip System - Hot Gas A hot gas application through a subsurface drip irrigation system to tarpaulin-covered beds may be used if all of the following criteria are met:
 - (A) Application rate shall not exceed 225 pounds of methyl bromide per acre.
 - (B) The fumigant shall be injected beneath the soil surface at a minimum depth of one inch.
 - (C) The portion of the drip system used in the fumigation shall be physically disconnected from the main water supply during the fumigation to prevent possible contamination of the water supply.
 - (D) All fittings and emitters underneath the tarpaulin shall be buried in the soil to a minimum depth of 1 inch.
 - (E) Prior to the start of the fumigation, all drip tubing shall be checked for blockage, and the irrigation system connections and fittings checked for blockage and leaks using pressurized air and/or water. The end of each drip tubing shall be placed under the tarpaulin prior to introduction of fumigant.
 - (F) The tarpaulin shall be placed and inspected for tears, holes, or improperly secured edges prior to fumigating. Repairs and adjustments shall be made before the fumigation begins.
 - (G) Prior to the start of the fumigation, all fittings above ground and outside of the tarpaulin shall be pressure tested with compressed air, water, or nitrogen gas to a maximum pressure of 50 pounds per square inch. A soap solution shall be used to check the fittings for leaks if using air or nitrogen. All apparent leaks shall be eliminated prior to the fumigation. All drip tubing with emitters connected to the distribution manifold not covered by the tarpaulin shall be sealed to prevent fumigant loss through the emitters.
 - (H) Prior to introducing the fumigant, the drip system shall be purged of water by means of pressurized gas such as CO₂ or nitrogen.
 - (I) The drip system shall be purged prior to disconnecting any line containing the fumigant.
 - (J) After purging, drip tubing shall be pinched off and then disconnected from the distribution manifold. All disconnected tubing leading into the treated field shall be secured to prevent gas from escaping.
 - (K) All fittings used for connecting or disconnecting the heat exchanger to the irrigation system manifold shall be of a positive shut-off design.

6450.3. Methyl Bromide Field Fumigation Methods., continued

(L) All persons shall wear the eye protection specified on the label when working with a manifold system or tubing containing the fumigant under pressure.

(M) The entire fumigation system (heater, valves, and manifold) shall be purged of the fumigant at the end of each day's fumigation.

(N) The tarpaulin shall not be cut until at least 5 days (120 hours) following completion of injection to the application block.

(O) If tarpaulins are removed before planting, tarpaulin removal shall begin no sooner than 24 hours after tarpaulin cutting has been completed. The application block restricted entry interval shall end at completion of tarpaulin removal and shall be at least 6 days.

(P) If tarpaulins are not to be removed before planting, the application block restricted entry interval shall either:

1. consist of the 5-day period described in subsection (N) plus an additional 48 hours after holes have been cut for planting, or

2. be at least 14 days. If this option is chosen, the methyl bromide air concentration underneath the tarpaulin must test less than 5 parts per million before planting begins.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

6452. Chloropicrin and Methyl Bromide -Nursery and Commodity Fumigation.

(a) When chloropicrin or methyl bromide is used, singly or in combination, to treat nursery potting soils or soil mixes, nursery stock, and other agricultural commodities, appliances, or equipment, it shall be done in a properly sealed fumigation chamber, railroad car, or truck trailer, or under a gas confining tarp approved by the commissioner or director. The commissioner or director may specify the fumigation period. Injection shall be made in a manner that minimizes gas loss.

(b) When chloropicrin or methyl bromide is applied singly or in combination, the commissioner or director may require the treatment site or fumigation chamber to be posted and attended for a specified time after application.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

6454. Chloropicrin and Methyl Bromide -Structural Fumigation.

This section supplements the methyl bromide fumigation requirements found in the Business and Professions Code and Title 16 of the California Code of Regulations, as well as directions for use given on methyl bromide product labeling.

(a) When fumigating a structure, the fumigator shall ensure that the distance between the fumigated structure and its property line shall meet the following criteria and that no person, other than the fumigation crew, enters the area prescribed in either (1), (2), or (3) below during the treatment period:

- (1) For fumigations utilizing 50 pounds of methyl bromide or less, a distance of at least five (5) feet must exist; or

6454. Chloropicrin and Methyl Bromide -Structural Fumigation., continued

- (2) For fumigations utilizing more than 50 pounds, but less than 80 pounds, a distance in feet calculated using the following formula must exist:
5 times the total poundage of methyl bromide minus 240 feet; or
- (3) For fumigations utilizing 80 pounds or more, a distance in feet equal to two (2) times the total poundage of methyl bromide applied must exist.
- (b) Structures shall be covered with the required tarpaulins or sealed prior to fumigation. The "acceptable" tarpaulin used in fumigations shall be vinyl coated with a minimum weight of seven (7) ounces per square yard (or having a fumigant retention capability equal to or greater than that provided by the seven-ounce weight tarpaulin). The vinyl coating shall not be worn, cracked, abraded, or similarly damaged to the extent that any of the underlying fabric shows through the vinyl coating.
- (c) All cuts, tears, holes, or similar damage to tarpaulins shall be repaired prior to introduction of the fumigant. Temporary repairs to damaged tarpaulins shall be made with vinyl coated self-adhesive tape, or the damaged area of the tarpaulin may be rolled and clipped so the tarpaulin's fumigant gas retention capability is maintained.
- (d) Fumigators shall use the fumigant retention method specified in the table below for the application rate and poundage combinations utilized in the fumigation:

6454. Chloropicrin and Methyl Bromide -Structural Fumigation., continued

<i>Methyl Bromide Application Rate Per 1,000 Cubic Feet of Structure</i>	<i>Total Pounds of Methyl Bromide Applied in a 24-hour Period</i>	<i>Fumigant Retention Method</i>
Up to 0.5 pounds	Not more than 50 pounds ----- More than 50 pounds, but less than 1,000 pounds	"acceptable" tarpaulin ----- "acceptable" tarpaulin, or if the structure is a concrete tilt-up, seal with vinyl coated self-adhesive tape
More than 0.5 pounds Up to 1.5 pounds	Not more than 50 pounds ----- More than 50 pounds, but less than 1,000 pounds	"acceptable" tarpaulin, and a side drape of one either: (1) an "acceptable" tarpaulin or (2) an unused 4-mil disposable polyethylene sheet ----- "acceptable" tarpaulin, or if the structure is a concrete tilt-up, seal with vinyl coated self-adhesive tape
More than 1.5 pounds Up to 3.0 pounds	Not more than 50 pounds ----- More than 50 pounds, but less than 1,000 pounds	"acceptable" tarpaulin, and a side drape of one unused 4-mil disposable polyethylene sheet ----- "acceptable" tarpaulin, or if the structure is a concrete tilt-up, seal with vinyl coated self-adhesive tape

(e) When tarpaulins are used, all sides of the structure shall be draped to the ground. Sand snakes, water snakes, or similar weights shall be used to seal the base of the tarpaulins to the ground. Prior to the placement of these snakes or weights, the soil adjacent to the structure foundation shall be thoroughly watered.

(f) Chloropicrin shall be used as a warning agent when fumigating a structure unless specifically prohibited by regulations or product labeling.

(g) A fan shall be used to disperse chloropicrin and methyl bromide within the structure. Chloropicrin shall be released into the airstream of the fan when it is introduced (either by itself or in combination with methyl bromide).

(h) Aeration of the fumigated structure shall not begin earlier than one hour after sunrise or later than one hour before sunset. The sunrise and sunset times published in the local newspaper shall be used to establish aeration timing.

6454. Chloropicrin and Methyl Bromide -Structural Fumigation., continued

(i) Following treatment, the fumigated structure shall be aerated through convection tubing or ducting. Except as provided in subsection (j), the convection tubing or ducting outlet shall be located above the highest point of the roof as follows:

- (1) Six (6) feet for fumigations utilizing 50 pounds of methyl bromide or less; or
- (2) Ten (10) feet for fumigations utilizing more than 50 pounds of methyl bromide.

(j) If any nearby structure is taller than the fumigated structure and the distance between the structures is equal to or less than the distance indicated in the following table, the convection tubing or ducting outlet shall be located as high as the top of the roof of the tallest structure.

<i>Total Pounds of Methyl Bromide Applied</i>	<i>Convective Tubing or Ducting Outlet Must Be As High As the Tallest Structure Within:</i>
1 – 14	50 ft.
15 – 24	75 ft.
25 – 32	100 ft.
33 – 40	125 ft.
41 – 50	150 ft.
51 – 60	175 ft.
61 – 99	200 ft.
100 - 1,000	A distance in footage equal to 2 times the pounds of methyl bromide used

(k) When aerating a fumigated structure, a licensed Branch 1 operator or field representative shall ensure, from the initiation of the aeration procedure to completion of the steps described in (n) of this section, that persons not involved in the aeration process do not come within:

(1) Ten (10) feet of the fumigated structure, for fumigations utilizing 50 pounds of methyl bromide or less; or

(2) For fumigations utilizing more than 50 pounds but less than 80 pounds, a distance in feet calculated using the following formula must exist:

5 times the total poundage of methyl bromide minus 240 feet; or

(3) The number of feet equaling two (2) times the pounds of methyl bromide used for fumigations utilizing more than 80 pounds.

(l) Exhaust fans and convection tubing or ducting may be installed prior to aeration or when covering the structure with tarpaulins in preparation for fumigation. The exhaust fans, convection tubing, and installation of the fans and tubing shall meet the following requirements:

- (1) Each exhaust fan shall have a capacity of at least 5,000 cubic feet per minute (cfm).
- (2) Convection tubing or ducting shall be large enough to fit over the exhaust fan housing and shall be securely attached to the housing prior to aeration.
- (3) Exhaust fans and convection tubing shall be installed in a manner which does not present a hazard to workers and the public.

(m) If exhaust fans and convection tubing or ducting are installed after the fumigation has begun, the installer shall wear self-contained breathing apparatus (SCBA) respiratory protection.

6454. Chloropicrin and Methyl Bromide -Structural Fumigation., continued

(n) The methyl bromide concentration shall be measured at the approximate center of the structure with a Fumiscope®, or similar instrument, that shall be located outside of the fumigated structure. (An instrument similar to a Fumiscope® may be used provided it can measure methyl bromide concentrations at the one ounce per 1,000 cubic feet [250 ppm] level.) Without entering the structure, the fumigator shall collect the methyl bromide sample for measurement through the use of tubing or ducting placed inside the structure and connected to the analytical instrument prior to the initiation of fumigation. The structure shall be aerated until the methyl bromide concentration has been reduced to 250 ppm or less (250 ppm is about one ounce per thousand cubic feet) while following the requirements listed below:

(1) If the fumigated structure's windows were left open during the fumigation, the structure shall be aerated through convection tubing or ducting until the methyl bromide concentration is 250 ppm or less with the tarpaulins left in place; or

(2) If the fumigated structure's windows were closed during the fumigation:

(A) The space between the fumigated structure and the tarpaulin shall be aerated prior to tarpaulin removal through convection tubing or ducting.

(B) After the tarpaulins are removed, the fumigated structure shall be aerated through convection tubing or ducting until the methyl bromide concentration is 250 ppm or less.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005, and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006, and 14102, Food and Agricultural Code.

6455. Sulfuryl Fluoride -Structural Fumigation, Aeration, and Reentry.

NOTE: Authority: Sections 12976, 12981, 14005, 14102 and 15203, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

6456. Sodium Arsenite.

NOTE: Authority cited: Sections 407, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

6458. Aldicarb.

(a) The amount of pesticides containing aldicarb that may be applied to the following crops shall not exceed:

Crop	Stage of Growth of Crop	Pounds of 15G / Acre / Application	Ounces 15G / 1000 Ft of Row
(1) Cotton			40" row spacing
	At Planting	7	8.5
	At First Squaring	14	17
	From Squaring through Early Bloom	14	17
	(Do not exceed a total of 21 pounds per acre)		
(2) Potatoes			34" row spacing
	At Planting	14 or	14.5
	After Planting	14	14.5
(3) Sugar Beets			22" row spacing
	At Planting or	14	9.5
	Within One Week before Planting		
	Postemergence	14	9.5
	(Do not exceed a total of 28 pounds per acre)		
(4) Dried Beans			22-48" row spacing
		7	7.5
(5) Citrus		33	N/A
		Pounds of 10G / Acre / Application	Ounces 10G / 1000 Sq Feet
(6) Ornamentals		50	20 or
			Pounds of 10G / 1000 Linear Ft
			42" row spacing
	(Do not exceed 50 pounds per acre per year)		4

6458. Aldicarb., continued

(b) Pesticides containing aldicarb shall not be applied to cotton, potatoes, sugar beets, dried beans, citrus, or field-grown ornamentals from September 1 to March 1 of each year.

NOTE: Authority cited: Sections 12781 and 12976, Food and Agricultural Code. Reference: Sections 12976 and 13150, Food and Agricultural Code.

6460. Drift Control.

Unless expressly authorized by permit issued pursuant to section 6412, no liquid Dicamba, 2,4-dichlorophenoxyacetic acid, 2,4-dichlorophenoxybutric acid, 2,4-dichlorophenoxypropionic acid, 2-methyl-4-chlorophenoxyacetic acid, or Propanil herbicide shall be:

(a) Discharged more than ten feet above the crop or target. Discharge shall be shut off whenever it is necessary to raise the equipment over obstacles such as trees or poles.

(b) Applied when wind velocity is more than ten miles per hour.

(c) Applied by aircraft except as follows:

(1) The flow of liquid to aircraft nozzles shall be controlled by a positive shutoff system as follows:

(A) Each individual nozzle shall be equipped with a check valve and the flow controlled by a suckback device or a boom pressure release device; or

(B) Each individual nozzle shall be equipped with a positive action valve.

(2) Aircraft nozzles shall not be equipped with any device or mechanism which would cause a sheet, cone, fan, or similar type dispersion of the discharged material except as otherwise provided.

(3) Aircraft boom pressure shall not exceed 40 pounds per square inch.

(4) Aircraft nozzles shall be equipped with orifices directed backward parallel to the horizontal axis of the aircraft in flight.

(5) Fixed wing aircraft and helicopters operating in excess of 60 miles per hour shall be equipped with jet nozzles having an orifice of not less than one-sixteenth of an inch in diameter.

(6) Helicopters operating at 60 miles per hour or less shall be equipped with:

(A) Nozzles having an orifice not less than one-sixteenth of an inch in diameter. A number 46 (or equivalent) or larger whirlplate may be used; or

(13) Fan nozzles with a fan angle number not larger than 80 degrees and a flow rate not less than one gallon per minute at 40 pounds per square inch pressure (or equivalent); or

(B) The Microfoil (R) boom (a coordinated spray system including airfoil-shaped nozzles with each orifice not less than 0.013 inches in diameter) or equivalent type approved by the director. Orifices shall be directed backward parallel to the horizontal axis of the aircraft in flight.

(d) Applied by ground equipment except as follows:

(1) Ground equipment other than handguns shall be equipped with:

(A) Nozzles having an orifice not less than one-sixteenth of an inch in diameter or equivalent, and operated at a boom pressure not to exceed 30 pounds per square inch; or

(B) Low pressure fan nozzles with a fan angle number not larger than 80 degrees and fan nozzle orifice not smaller than 0.2 gallon per minute flow rate or equivalent, and operated at a boom pressure not to exceed 15 pounds per square inch.

6460. Drift Control., continued

NOTE: Authority cited: Sections 407, 12781, 12972, 12976, 14001, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 14006, 14033 and 14102, Food and Agricultural Code.

6462. Propanil.

(a) Except as provided in subsection (b), no herbicide containing propanil shall be used in Butte, Colusa, Glenn, Placer, Yuba Counties; the portion of Sutter County situated north of Sankey Road; and the portion of Yolo County situated north of State Highway 16.

(b) Notwithstanding the provisions of (a), the director may designate propanil use or study areas, and propanil use within such areas may be allowed, with the approval of the director as follows:

(1) Propanil Aerial Use Area. Aerial application of emulsifiable and non-emulsifiable propanil within the designated aerial use areas in Glenn and Colusa Counties may be allowed, with the approval of the director, pursuant to the provisions contained in the department document entitled 1998 Propanil Aerial Use Protocol and Controls (Rev. 12/98) which is hereby incorporated by reference.

(2) Ground Application Use Area. Ground applications of non-emulsifiable formulations of propanil within designated areas of Butte, Colusa, Glenn, Placer, Yuba Counties; that portion of Sutter County situated north of Sankey Road; and that portion of Yolo County situated north of State Highway 16 may be allowed, with the approval of the director. Prior to the approval of non-emulsifiable formulation propanil ground applications, a sampling protocol shall be submitted to and approved by the director. Any use of non-emulsifiable formulations of propanil in designated ground application use areas shall be subject to the following:

(A) Applications using aircraft are prohibited.

(B) Applications using an emulsifiable concentrate formulation are prohibited.

(C) Applications made by ground equipment shall be made in accordance with the following requirements:

1. Unless expressly authorized by the commissioner, no application shall be made within 1/2 mile of cultivated commercial cotton plantings or other sensitive crops, and two miles of cultivated commercial grape vineyards, pistachios, or prunes.

2. Each operating nozzle shall produce a droplet size, in accordance with the manufacturer's specifications, not less than 500 microns volume median diameter (Dv0.5) with 10 percent of the diameter by volume (Dv0.1) not less than 200 microns.

3. Unless expressly authorized by the commissioner, no more than 1,500 acres of rice may be treated by ground in each county per day.

(3) Butte County Study Area. The director may authorize ground applications of propanil for research purposes within the California Cooperative Rice Research Foundation, Incorporated Facility, located in Township 19 North, Range 2 East, Sections 34 and 35. The director may authorize aircraft applications of propanil within a Butte County study area. Prior to the commencement of aircraft applications, a study protocol shall be submitted to and approved by the director. The following conditions apply to the applications:

(A) Unless expressly authorized by the commissioner, no aerial application in such a study area shall be made within four miles of cultivated commercial cotton plantings, grape vineyards, pistachios, prunes, or other sensitive crops.

6462. Propanil., continued

(B) Each operating nozzle shall produce a droplet size, in accordance with the manufacturer's specifications, not less than 600 microns volume median diameter (Dv0.5) with 10 percent of the diameter by volume (Dv0.1) not less than 200 microns.

(C) Monitoring of Designated Areas.

(1) Air or leaf samples shall be taken to determine if residues of propanil are occurring outside the use or study area. The presence of propanil residue in excess of 4.4 micrograms (combined value from two air filters) on two successive samples of paired samplers collecting on air filters and through which ambient air has been drawn in the total amount of 7,200 to 12,000 cubic feet during a period of 4 to 5 hours (15 cfm - 20 cfm) while propanil applications are being made, or the presence of propanil residue in excess of 0.1 parts per million (ppm) in leaves from two (2) successive samples taken from a sensitive crop, shall require the director to evaluate and determine whether propanil applications shall be modified or terminated in the use or study area. Substantial damage to sensitive crops shall require termination of propanil applications in the use or study area in accordance with the provisions of section 6444.

Prior to conducting any sampling, a sampling protocol shall be submitted to the director for evaluation for areas designated in (b)(2) and (b)(3). The director may approve any sampling protocol submitted which contains the following:

- (A) A detailed description of the sampling method,
- (B) A description of how the samples will be handled and analyzed, and
- (C) A complete description of the quality control measures used throughout the monitoring.

NOTE: Authority cited: Sections 11456, 12781, 14001, 14005, and 14102, Food and Agricultural Code. Reference: Section 14006, Food and Agricultural Code.

6464. Phenoxy and Certain Other Herbicides.

(a) The provisions of this subsection apply to Dicamba, 2,4-dichlorophenoxyacetic acid, 2,4-dichlorophenoxybutric acid, 2,4-dichlorophenoxypropionic acid, 2-methyl-4-chlorophenoxyacetic acid, and Propanil herbicides when used in the Central Valley below one thousand feet elevation during the period beginning March 16 and continuing through October 15 of each calendar year. The boundary of this area through the Sacramento-San Joaquin Delta where the elevation does not reach 1,000 feet is as follows: Commencing from the point where Bailey Road intersects 1,000 feet elevation in Contra Costa County, thence north along Bailey Road to its intersection with Highway 4, thence west along Highway 4 to its intersection with Highway 680, thence north along Highway 680 to its intersection with Highway 80, thence northeast along Highway 80 to its intersection with Highway 505, thence north along Highway 505 to its intersection with the Solano-Yolo County line, thence west along the Solano-Yolo County line to its intersection with 1,000 feet elevation.

(1) A smoke column or other device satisfactory to the commissioner shall be employed at the time and place of air applications to indicate to the pilot of the aircraft temperature inversions and the direction and velocity of the air flow; and

(2) Unless expressly authorized by permit no herbicide in an ester form shall be applied.

6464. Phenoxy and Certain Other Herbicides., continued

(b) The requirements of the subsection apply to Dicamba, 2,4-dichlorophenoxyacetic acid, 2,4-dichlorophenoxybutric acid, 2,4-dichlorophenoxypropionic acid, 2-methyl-4-chlorophenoxyacetic acid, and Propanil herbicides during the period beginning March 16 and continuing through October 15 of each calendar year when used in the following areas.

(1) That portion of Sacramento County bounded by a line beginning at the junction of the Mokelumne River and Georgianna Slough; thence in a northerly direction following the meanderings of the Georgianna Slough to its junction with the Sacramento River near Walnut Grove; thence northwesterly along the Sacramento River to the junction of the north end of Randall Island and the north end of Snodgrass Slough; thence southeasterly along Snodgrass Slough to a point 1.0 miles due north of Lambert Road (first Standard Parallel north) which is the common boundary line between Section 27 and 34, T6N-R4E; thence due east along said line to its intersection with the Southern Pacific Railroad tracks; thence southerly along the Southern Pacific Railroad tracks to its intersection with Lambert Road (first Standard Parallel north); thence easterly along Lambert Road to its intersection with Franklin Boulevard, then southerly along Franklin Boulevard to its intersection with Twin Cities Road; thence easterly along Twin Cities Road to its intersection with the Southern Pacific Railroad Tracks (Amador Branch); thence northeasterly along said tracks to their intersection with the first Standard Parallel north; thence easterly along the first Standard Parallel north to its intersection with the Sacramento-Amador County line; thence southerly along the Sacramento-Amador County line to its junction with the Sacramento-Amador-San Joaquin County lines; thence westerly along the Sacramento-San Joaquin County line to the point of beginning.

(2) All of Madera County west and south of a line beginning at the east boundary of Range 17 east and the Madera County-Merced County boundary line; thence south to the northwest corner of Section 30, Township 9 South, Range 18 east; thence east to the northeast corner of Section 28, Township 9 south, Range 18 east; thence south to the intersection of the Madera Canal in the northeast 1/4 of Section 9, Township 10 south, Range 18 east; thence southeasterly along the Madera Canal to the northeast corner of Section 1, Township 11 south, Range 19 east; thence east along the north boundary line of Township 11 south, to the Madera County-Fresno County boundary line.

(3) All of Fresno County lying west of a line beginning at Friant Dam and continuing southeasterly along the Friant-Kern Canal its point of intersection with the north boundary of Section 29, Township 13 south, Range 23 east; thence due east along said boundary line projected to its intersection with the east boundary of Township 13 south, Range 24 east; thence south along said east boundary of Township 13 south, Range 24 east and continuing south along the east boundary of Township 14 south, Range 24 east to the county boundary line.

(4) All of Kings County.

(5) All of Tulare County lying west of a line drawn southeasterly from the northwest corner of Township 15 south, Range 25 east on the Fresno-Tulare County line to the southeast corner of Township 17 south, Range 27 east; thence due south along said east boundary of Range 27 east to the Kern County boundary line.

6464. Phenoxy and Certain Other Herbicides., continued

(6) Those portions of Kern County described as follows: (A) All of Kern County lying west of a line commencing at a point on Tulare-Kern County line at the northwest corner of Section 6, Township 25 south, Range 31 east; thence south along the west boundary of Range 31 east to the south boundary of Township 32 south, Range 31 east; thence continuing due south to the Los Angeles County line. (B) Rosamond Area. Includes all of Township 9 north, Range 14 west, Township 9 north, Range 13 west, and Township 9 north, and Range 12 west.

(7) A permit authorizing use shall show the application site(s) for which it is valid, except that a permit need not show the application site(s) if a notice of intent to apply pesticide is required to be filed previous to any application. The commissioner may require that any application be made only under his direct supervision.

(8) No application shall be made on any area situated within two miles of any cultivated commercial vineyard or cotton planting belonging to any person other than the owner of the property being treated unless there is a continuous air flow away from such planting, but in no case shall any application be made within one-half mile of such plantings.

(9) No application shall be made by aircraft, nor shall aircraft be loaded except as follows:

(A) Within Sacramento County;

(B) During the period beginning March 16 and continuing through March 31 within the counties of Fresno, Kern, Kings, and Tulare.

(10) The provisions of paragraphs (8) and (9) shall not apply to Dicamba or Propanil herbicides.

(c) The provisions of this subsection apply to Dicamba, 2,4-dichlorophenoxyacetic acid, 2,4-dichlorophenoxybutric acid, 2,4-dichlorophenoxypropionic acid, 2-methyl-4-chlorophenoxyacetic acid, or Propanil herbicides during the period beginning March 16 and continuing through October 15 of each calendar year when used in that portion of San Joaquin County bounded by a line beginning at the intersection of Sacramento, San Joaquin and Amador Counties; thence southerly along the San Joaquin County line to State Highway 88; thence southwesterly along Highway 88 to its intersection with State Highway 12; thence westerly along Highway 12 and 88 to the intersection of Clements Road to its intersection with an imaginary easterly extension of Eight Mile Road from its junction with the Calaveras River; thence west along this extension to Eight Mile Road; then west along Eight Mile Road to Thornton Road; thence south on Thornton Road to its intersection with Disappointment Slough; thence westerly along Disappointment Slough to the southeast corner of Bishop Tract; thence westerly along the southern edges of Bishop Tract, King Island, and Empire Tract; thence northerly along the west edge of Empire Tract to the southeast corner of Bouldin Island; thence along the southern and western edges of Bouldin Island to the intersection of San Joaquin, Contra Costa, and Sacramento Counties; thence northerly and easterly along the San Joaquin-Sacramento County line to the point of beginning.

(1) No application shall be made when wind velocity is less than two miles per hour or greater than seven miles per hour;

(2) No herbicide in an ester form shall be applied.

(3) A permit authorizing use shall show the application site(s) for which it is valid, except that a permit need not show the application site(s) if a notice of intent to apply pesticides is required to be filed previous to any application.

6464. Phenoxy and Certain Other Herbicides., continued

(4) No application shall be made on any area situated within two miles of any cultivated commercial vineyard belonging to any person other than the owner of the property being treated that existed prior to May 1, 1978.

(5) no application shall be made by aircraft; nor shall aircraft be loaded except as follows:

(A) Within that portion of San Joaquin County described as the entire areas of Empire Tract, King Island, Bishop Tract, and Rio Blanco Tract, the eastern boundary line of which begins on Atherton Levee Road at the confluence of Disappointment Slough and the dredger cut, located approximately one-half mile west of Interstate Highway 5 Pixley Slough Bridge 29-200 L; and thence running northerly along the State of California borrow pit to its meeting with the easterly end of White Slough subject to the following restrictions:

1. The commissioner may require that all applications be made under the direct supervision of the commissioner's representative.

(B) Within the entire area of Staten Island and Bouldin Island subject to the following restrictions:

1. The commissioner may require that all applications be made under the direct supervision of the commissioner's representative;

2. A drift reducing agent shall be added to the spray mixture;

3. Only one aircraft shall spray at a given time on each of the two islands.

(6) The provisions of subsections (4) and (5) shall not apply to Propanil herbicides.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006, and 14102, Food and Agricultural Code.

6466. Paraquat.

The aerial application of paraquat for preplant or preemergence weed control shall be made only in accordance with the following restrictions:

(a) Jet nozzles having an orifice of not less than one-sixteenth of an inch in diameter shall be used with such orifices directed backward parallel to the horizontal axis of the aircraft in flight. A number 46 (or equivalent) or larger whirlplate may be used.

(b) Boom pressure shall not exceed 40 pounds per square inch.

(c) Spray material shall not be discharged at a height of more than ten (10) feet above the crop or target.

(d) Wind velocity shall not exceed 10 miles per hour.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

6467. Folpet.

NOTE: Authority cited: Sections 407, 12976, 12981 and 14006, Food and Agricultural Code. Reference: Sections 11501, 12981 and 14006, Food and Agricultural Code.

6468. 1,3-Dichloropropene and Ethylene Dibromide.

NOTE: Authority cited: Sections 407, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

6469. Propargite (Omite, Comite).

NOTE: Authority cited: Sections 407, 12976, 12981 and 14005, Food and Agricultural Code.
Reference: Sections 11501, 12981 and 14006, Food and Agricultural Code.

6470. Cotton Harvest Aids.

S,S,S-tributyl phosphorotrithioate (DEF), tributyl phosphorotrithioate (Folex), or paraquat when used as cotton harvest aids, singly or in combination, shall be used only in accordance with the following restrictions:

(a)(1) Closed systems as specified in subsection 2476(b) shall be used for all mixing and transfers conducted by an employee.

(2) Paraquat applications shall not be made within one-eighth of a mile of any school or any area zoned as residential where people are actually residing or other inhabited residential area designated by the commissioner.

(3) DEF or Folex applications shall not be made within one-half mile of any area zoned as residential where people are actually residing or other inhabited residential area designated by the commissioner or any school in session or due to be in session within 24 hours.

(4) DEF or Folex applications shall not in any case be made within one-eighth of a mile of any school.

(b)(1) Jet nozzles having an orifice of not less than one-sixteenth of an inch in diameter shall be used on aircraft with such orifices directed backward parallel to the horizontal axis of the aircraft in flight. A number 46 (or equivalent) or larger whirlplate may be used.

(2) Aircraft nozzles shall not be equipped with any device or mechanism which would cause a sheet, fan, cone, or similar type dispersion of the discharged material.

(3) Aircraft boom pressure shall not exceed 40 pounds per square inch.

(4) These cotton harvest aids shall be applied by aircraft only in combination with a viscoelastic thickening agent or other drift control agent approved as effective for such purposes by the Director of the Department of Food and Agriculture.

(5) Except for the requirements of paragraph (4), this subsection does not apply to helicopters equipped with a Microfoil (R) boom operated at air speeds below 60 miles per hour.

(c) Air carrier ground equipment shall not be used to apply DEF or Folex.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

6472. Ethylene Dichloride.

NOTE: Authority cited: Sections 407, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

6473. Bromoxynil.

NOTE: Authority cited: Sections 407, 12976, 12981 and 14005, Food and Agricultural Code.
Reference: Sections 11501, 12981 and 14006, Food and Agricultural Code.

6474. Carbofuran.

Carbofuran (Furadan) shall not be applied to alfalfa located within one mile of nesting geese, widgeon or coots or to areas where repeated feeding of these waterfowl is known to occur.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

6476. Fenamiphos.

The following restrictions apply to all turf uses of fenamiphos (Nemacur).

(a) Fenamiphos shall not be used to treat residential or institutional lawns or public recreation areas other than golf courses.

(b) Fenamiphos shall not be applied with a knapsack or similar equipment that is placed on the applicator's body.

(c) Fenamiphos shall be watered in immediately after it is applied with a minimum of one-half inch of water. Such water shall not be allowed to run off the treated area.

(d) Unprotected persons shall be kept out of areas being treated with fenamiphos until 24 hours after watering, as specified in subsection (c), is completed.

NOTE: Authority cited: Sections 11456, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

6480. 2,4-Dichlorophenyl P-Nitrophenyl Ether.

NOTE: Authority cited: Sections 407, 12976, 12981, 14005 and 14102, Food and Agricultural Code. Reference: Sections 11501, 12981, 14006 and 14102, Food and Agricultural Code.

6482. Oxydemeton-Methyl (Metasystox-R).

NOTE: Authority cited: Sections 407 and 14005, Food and Agricultural Code. Reference: Sections 14005 and 14006, Food and Agricultural Code.

6484. Bentazon (Basagran).

NOTE: Authority cited: Sections 407 and 14005, Food and Agricultural Code. Reference: Sections 14005 and 14006, Food and Agricultural Code.

6486. Atrazine.

NOTE: Authority cited: Sections 407, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

6486.1. Atrazine.

(a) Agricultural, outdoor institutional and outdoor industrial uses of pesticides containing atrazine are prohibited in the Pesticide Management Zones listed in section 6802(c).

6486.1. Atrazine., continued

NOTE: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

6486.2. Simazine.

The following agricultural, outdoor industrial and outdoor institutional uses of pesticides containing simazine are prohibited in Pesticide Management Zones listed in section 6802(d):

(a) In noncrop areas including, but not limited to, petroleum tank farms, lumber yards, storage areas, industrial sites, parking lots, fence lines, driveways, and around buildings and equipment.

(b) On rights-of-way including, but not limited to, utility lines, pipelines, railroads, highways, roadsides and roadways.

NOTE: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

6486.3. Bromacil.

The following agricultural, outdoor industrial and outdoor institutional uses of pesticides containing bromacil are prohibited in Pesticide Management Zones listed in section 6802(e):

(a) In noncrop areas including, but not limited to, petroleum tank farms, lumber yards, storage areas, industrial sites, parking lots, fence lines, railroad sidings, loading ramps, and around buildings and equipment.

(b) On rights-of-way including, but not limited to, utility lines, pipelines, railroads, highways, roadsides, roadways and irrigation ditch banks.

NOTE: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

6486.4. Diuron.

The following agricultural, outdoor industrial and outdoor institutional uses of pesticides containing diuron are prohibited in Pesticide Management Zones listed in section 6802(f):

(a) In noncrop areas including, but not limited to, petroleum tank farms, lumber yards, storage areas, industrial sites, parking lots, fence lines, and around buildings and equipment.

(b) On rights-of-way including, but not limited to, utility lines, pipelines, railroads, highways, roadsides, roadways, and irrigation and drainage ditches.

NOTE: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

6486.5. Prometon.

Agricultural, outdoor institutional and outdoor industrial uses of pesticides containing prometon are prohibited in the Pesticide Management Zones listed in section 6802(g).

NOTE: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

6486.6. Bentazon (Basagran).

For the purpose of ground water protection, the following restrictions apply for agricultural, outdoor institutional, and outdoor industrial uses of bentazon:

- (a) Bentazon shall not be applied in Del Norte or Humboldt Counties.
- (b) Bentazon shall not be used in the production of rice.
- (c) Bentazon shall not be applied prior to April 1 or after July 31 of each year.
- (d) Irrigation water applied to sites following treatment with bentazon shall be applied only by sprinklers through December 31 of that year.

NOTE: Authority cited: Sections 11456, 12976, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

6486.7. Azinphos-methyl.

(a) When employees apply azinphos-methyl using air carrier (air blast) ground equipment where any part of the airstream is directed at an angle above horizontal to the ground:

(1) Employee applicators shall wear a chemical-resistant suit over long-sleeved shirt and long-legged pants, chemical-resistant hood, chemical-resistant boots, chemical-resistant gloves, and a full-face respirator or a half-face respirator together with a face shield in addition to labeling-required personal protective equipment;

(2) If the employee applicator utilizes an enclosed cab and the work clothing and personal protective equipment specified in section 6738(i)(5), (6), and (7), the requirements in (1) do not apply. In situations specified in 6738(i), where respiratory protection is required inside an enclosed cab, the respiratory protection shall meet labeling requirements.

NOTE: Authority cited: Sections 12981 and 14005, Food and Agricultural Code. Reference: Sections 12980, 12981, 14001 and 14006, Food and Agricultural Code.

6486.8. Norflurazon.

Agricultural, outdoor institutional, and outdoor industrial uses of pesticides containing norflurazon are prohibited in areas that are specifically managed or designed to recharge ground water and inside canal and ditch banks, within the Pesticide Management Zones listed in section 6802(h).

NOTE: Authority cited: Sections 12976, 13145, 14005 and 14006, Food and Agricultural Code. Reference: Sections 13145, 13150 and 14006, Food and Agricultural Code.

6488. Antifouling Paints or Coatings Containing Tributyltin.

(a) Antifouling paints or coatings containing tributyltin shall be applied only to:

- (1) aluminum vessel hulls;
- (2) vessel hulls 82 feet or more in length; and
- (3) outboard motors and lower drive units.

(c) Except as provided in subsection (a), antifouling paints or coatings containing tributyltin shall not be applied to any surface or object that will come into contact with the freshwater or marine environment. This prohibition includes, but is not limited to, use on docks, piers, nets and other fishing equipment.

6488. Antifouling Paints or Coatings Containing Tributyltin., continued

(c) Prior to purchase of antifouling paints or coatings containing tributyltin the purchaser shall present to the dealer a copy of the registration of the vessel to be painted or coated to verify the vessel type requirements specified in (a). In the case where no vessel registration exists or the paint or coating is to be applied to an outboard motor or lower drive unit, the purchaser shall submit a sworn statement to verify that the paint or coating shall be applied only to an aluminum vessel hull, to a vessel hull 82 feet or more in length, or to an outboard motor or lower drive. The sworn statement shall be made substantially in the form provided in Section 6574(b).

NOTE: Authority cited: Sections 14005 and 14151, Food and Agricultural Code.

Reference: Sections 14005 and 14006, Food and Agricultural Code.

6489. Tributyltin Paint and/or Coating Additives.

Economic poisons containing bis(tributyltin) oxide which are sold as "additives" to be mixed with paints or coatings shall not be applied, either alone or when mixed with paint, to any surface that comes into contact with the aquatic or marine environment including, but not limited to, vessels, piers and fishing equipment.

NOTE: Authority cited: Sections 407, 12781, 14005 and 14102, Food and Agricultural Code.

Reference: Sections 12824, 14005 and 14006, Food and Agricultural Code.

Chapter 2. Pesticides
Subchapter 5. Produce Carrying Pesticide Residue
Article 1. Tolerances and Exemptions

6490. Incorporation of Federal Tolerances.

(a) The Director of Food and Agriculture hereby finds that the pesticide chemicals referred to in this group are useful for the production and marketing of produce and that the presence of such pesticide chemicals as spray residue in quantities within the tolerances hereby established is not deleterious to the health of man or animals.

(b) The director, having reviewed the tolerances and exemptions from tolerances established by the United States Environmental Protection Agency (U.S. EPA) in Title 40, Code of Federal Regulations, Part 180 and having found that such tolerances and exemptions therefrom are in accordance with the standards and provisions of the Food and Agricultural Code, hereby establishes like tolerances for pesticide chemicals on produce packed, shipped, or sold within the State of California except as otherwise provided in this Group 5. The director will continuously review future amendments to said federal regulations, and tolerances and exemptions therefrom hereafter adopted shall also be deemed incorporated by reference, unless otherwise provided in this Group 5.

(c) If the director has evidence that tolerances developed by the EPA are not appropriate for California conditions, the director shall adopt a California tolerance taking into account such evidence.

NOTE Authority cited: Sections 11456, 12531 and 12561, Food and Agricultural Code.
Reference: Section 12565, Food and Agricultural Code.

6492. Limitation on Residues.

No residue of a pesticide chemical in or on produce is justified or permitted unless a permissible tolerance has been established by the director, or unless the director has authorized an exemption from a tolerance.

NOTE: Authority cited: Sections 11456, 12531 and 12561, Food and Agricultural Code.
Reference: Section 12565, Food and Agricultural Code.

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Chapter 3. Pest Control Operations
Subchapter 1. Licensing
Article 1. General License Requirements

6500. License Duration.

The director shall issue licenses and certificates for two years. Any applicant for a new or renewed license or certificate to be issued for more than one year shall pay double the annual fee specified in the Food and Agricultural Code for such license or certificate. The term of the license or certificate is determined by the director as follows:

Each license or certificate with a name beginning with A through L shall expire December 31 of the following even numbered year.

Each license or certificate with a name beginning with M through Z shall expire December 31 of the following odd numbered year.

The issuance of a two-year license or certificate in no way affects any annual county registration required by the Food and Agricultural Code.

NOTE: Authority cited: Sections 11456, 11502, 12005 and 12111, Food and Agricultural Code.
Reference: Section 11456, Food and Agricultural Code.

6502. Applications.

Application for a license or certificate shall be made on a form prescribed by the director and shall be accompanied by the required fee. The original application fee shall allow an applicant a 12-month period to become licensed or certified.

NOTE: Authority cited: Sections 11456, 11502, 12005 and 12111, Food and Agricultural Code.
Reference: Sections 11702, 11703, 11903, 12021 and 12103, Food and Agricultural Code.

6504. Examinations.

(a) The director shall schedule examinations at such times and places as he deems reasonable. Each applicant shall appear at a time and place designated by the director for examination.

(b) All applicants for a license or certificate will be required to pass an examination on the laws and regulations governing pesticide use and the safety precautions necessary to prevent injury.

(c) A passing score of 70 percent or greater is required to qualify for any license or certificate issued pursuant to Division 6 of the Food and Agricultural Code; or for a qualified applicator certificate.

(d) Applicants may request up to four examinations at each time and place.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12024 and 12111, Food and Agricultural Code. Reference: Sections 11702, 11905, 12024 and 12106, Food and Agricultural Code.

6505. Examination Fees.

(a) Examinations requested on an original application shall not require the payment of an examination fee when an application fee is paid. However, if the applicant fails any such examinations, fails to appear for examination, or if no application fee is required, examination fees of \$15 for the first examination; \$10 for the second; and \$5 for any additional examinations at each time and place shall be required.

6505. Examination Fees., continued

(b) Applicants seeking to amend an agricultural pest control adviser, pest control aircraft pilot or qualified applicator license are required to pay the same examination fees described in subsection (a).

(c) Examination fees are not required for qualified applicator certificate holder applicants.

NOTE: Authority cited: Sections 11456 and 11515, Food and Agricultural Code.

Reference: Section 11515, Food and Agricultural Code.

6506. Acceptance of Prior Examination.

NOTE: Authority cited: Sections 407, 11502, 12005 and 12111, Food and Agricultural Code.

Reference: Sections 11702 and 12106, Food and Agricultural Code.

6508. Notification of Change.

Every person to whom a license or certificate is issued shall immediately notify the director of any change in name, address, business organization, or any other matter shown in the application.

Licenses and certificates are not transferable, and in case of a change of business organization or ownership, a new application and fee are required. No fee is required for a business name or address change, or for a name or address change of a licensee or certificate holder.

NOTE: Authority cited: Sections 11456, 11502, 12005 and 12111, Food and Agricultural Code.

Reference: Sections 11501, 11708 and 12110, Food and Agricultural Code.

6510. Renewals and New Applications.

A person who has not possessed a valid license or certificate within 12 months of the date of application or has a valid license or certificate and has not completed the continuing education requirements within each two-year license or certification period as specified in section 6511 shall not be allowed to renew his or her license or certificate and shall be required to submit an application for a new license or certificate and pass the examinations before being issued a license or certificate.

NOTE: Authority cited: Sections 11456, 11502, 12005, 12024, 12111 and 14005, Food and Agricultural Code. Reference: Sections 11702, 11905, 12024, 12106 and 14006, Food and Agricultural Code.

6511. Continuing Education Requirements.

No license or certificate issued to a licensee or certificate holder specified in this section shall be renewed unless the holder has completed the required continuing education hours within each two-year license or certificate period. The education shall have been obtained in a course or program approved pursuant to section 6512.

6511. Continuing Education Requirements., continued

(a) Except as provided in (f) and (g), a pest control aircraft pilot shall complete a minimum of 20 hours of approved continuing education relating to pest management and pesticides, including not less than four hours pertaining to pesticide laws and regulations and four hours pertaining to aerial pest control equipment and application techniques.

(b) Except as provided in (f) and (g), qualified applicator license and certificate holders shall complete a minimum of 20 hours of approved continuing education relating to pest management and pesticides, including not less than four hours pertaining to pesticide laws and regulations.

(c) Except as provided in (f) and (g), qualified applicator license and certificate holders engaged in the business of maintenance gardening, pursuant to Food and Agricultural Code section 11704, shall complete a minimum of eight hours of approved continuing education relating to pest management and pesticides, including not less than two hours pertaining to pesticide laws and regulations.

(d) Except as provided in (f) and (g), qualified applicators who only possess a license or certificate in the seed treatment pest control category shall complete a minimum of four hours of approved continuing education relating to pest management and pesticides, including not less than two hours pertaining to pesticide laws and regulations.

(e) Except as provided in (f) and (g), an agricultural pest control adviser licensee shall complete a minimum of 40 hours of approved continuing education relating to pest management and pesticides, including not less than four hours pertaining to pesticide laws and regulations.

(f) Each licensee or certificate holder listed in this section, whose initially issued license or certificate has been valid for less than 12 months at the time of its renewal, is exempt from the continuing education requirements applicable to that license or certificate.

(g) Each licensee or certificate holder listed in this section whose initially issued license or certificate has been valid for 12 to 20 months at the time of its renewal shall complete a minimum of one-half of the continuing education requirements applicable to that license or certificate.

NOTE: Authority cited: Sections 11456 and 11502.5, Food and Agricultural Code. Reference: Section 11502.5, Food and Agricultural Code.

6512. Approval of Continuing Education Courses.

(a) Requests for evaluation and approval of courses or programs offering continuing education in pest management and pesticides shall be submitted to the director, if he so requires, or to a regional accreditation committee as specified in section 6514, at least 30 days before presentation of the education. The request for evaluation and approval shall be accompanied by a comprehensive written outline and description of the course or program. If a regional accreditation committee receives such a request, the committee shall evaluate the course or program, and submit to the director, a recommendation of either approval or disapproval of the course or program.

(b) If the director or regional accreditation committee determines that the course or program outlined and description is not comprehensive, the director or regional accreditation committee may request that a more detailed and comprehensive outline and description be submitted before making the determination as to whether the course or program meets the criteria specified in (c) below.

6512. Continuing Education Requirements., continued

(c) The director may approve, or regional accreditation committee may recommend to the director approval of any course or program submitted for evaluation, which meets the following criteria:

(1) The instruction shall relate only to pest management and pesticides (including but not limited to, laws and regulations, chemical formulations, labeling and label interpretation, application equipment, pests, identification of environmentally sensitive areas, drift prevention, pesticide registration, integrated pest management, cultural practices, pesticide worker safety, ground water protection, and biological control methods).

(2) The instructional program shall be at least one hour in length.

(d) The approval of a course or program pursuant to this section shall be valid for the calendar year in which the course or program would be presented.

(e) The regional accreditation committee shall inform the director in writing of any course or program which it has evaluated and recommended approval or disapproval, the name of the instructor and/or organization sponsoring the course, and the date of the course.

NOTE: Authority cited: Sections 11456, 11502.5 and 12981, Food and Agricultural Code.

Reference: Sections 11502.5 and 12986, Food and Agricultural Code.

6513. Records of Continuing Education.

(a) The instructor or sponsoring organization shall maintain a record of licensees and certificate holders who have successfully completed continuing education for three years from the completion date of the course or program.

(b) Each licensee and certificate holder specified in section 6511 shall maintain a record for three years of all continuing education approval pursuant to section 6512 which he/she acquired during each license or certificate period.

(c) The records specified in (a) and (b) shall include:

(1) The license or certificate holder's name;

(2) License or certificate number;

(3) The title and location of the instruction;

(4) Name of instructor or sponsoring organization, hours credited; and

(5) The identification code number assigned by the director or regional accreditation committee to the course or program.

(d) Certificates of course or program completion or written statements containing all the information specified in (c), issued by the instructor or sponsoring organization, shall be sufficient to constitute the records specified in (a) and (b).

(e) The records specified in (a) and (b) shall be submitted to the director upon written request.

NOTE: Authority cited: Sections 11456 and 11502.5, Food and Agricultural Code.

Reference: Sections 11502.5 and 12980.1(c), Food and Agricultural Code.

6514. Regional Accreditation Committees.

NOTE: Authority cited: Sections 407 and 11502.5, Food and Agricultural Code.

Reference: Sections 11502.5 and 12986, Food and Agricultural Code.

Chapter 3. Pest Control Operations
Subchapter 1. Licensing
Article 2. Agricultural Pest Control Operator Licenses

6520. Authorized Agent Qualifications.

NOTE: Authority cited: Sections 407 and 11502, Food and Agricultural Code. Reference: Sections 11702 and 11703, Food and Agricultural Code.

6522. Categories.

The categories for supervision of pest control by a qualified person pursuant to Section 11708 of the Food and Agricultural Code shall be those listed in Section 6530. Persons holding an unrevoked license or licenses pursuant to this section in 1984 will be issued a corresponding license or licenses for the categories specified in Section 6530 upon application before December 31, 1985.

NOTE: Authority cited: Sections 11456 and 11702, Food and Agricultural Code. Reference: Sections 11702 and 11705, Food and Agricultural Code.

6524. Financial Responsibility of Applicants for an Agricultural Pest Control Business License.

(a) Each applicant shall demonstrate financial responsibility in connection with the obtaining and maintenance of an agricultural pest control business license pursuant to Article 1 of Chapter 4 (beginning with Section 11701) of Division 6 of the Food and Agricultural Code as follows:

(1) File with the director an original certificate of insurance (Form number 38-052, dated 3/88, entitled "Certificate of Insurance") certifying insurance coverage for the operations involved for an annual period in an amount not less than that specified in and in accordance with the provisions of (c). The certificate shall be provided by the director and issued by the insurer. Within 10 days of expiration of the insurance policy(s) identified by the certificate, applicants who have been licensed by the director, shall file a new certificate [identifying the current policy(s)] with the director. For insurance covering aircraft, the certificate shall specify the N number(s) of the aircraft covered by the insurance for chemical liability; or,

(2) Deposit with the director a certificate of deposit issued (by a licensed financial institution doing business in California) and maintained under the following conditions:

(A) The principal amount of the certificate of deposit at time of issuance is not less than that specified in and in accordance with the provisions of (c);

(B) The director is given express authority to withdraw any part or all of the funds required to satisfy a final judgment of a California or Federal court based upon violation of the provisions of Food and Agricultural Code Division 6, and Division 7 pertaining to pesticides, and regulations issued pursuant to those provisions;

(C) The director is given express authority to withdraw any part or all of the funds and deposit the funds in court in an interpleader action in any circumstance where it appears to the director that there may be multiple judgments involving violation of the laws and regulations specified in (B) and such funds may be called upon to satisfy such judgments; and

6524. Financial Responsibility of Applicants for an Agricultural Pest Control Business License., continued

(D) If any part of the funds are withdrawn as provided in (B) and (C), an additional certificate of deposit shall be filed with the director so that the remaining funds, if any, of the initial certificate of deposit and the principal amount of the additional certificate of deposit equal the principal amount of the initial certificate of deposit at the time of its issuance; or

(3) Deposit with and on a form provided by the director a surety bond (Form number 38-053, dated 3-88, entitled Agricultural Pest Control Business Licensees Bond) issued by a bonding company doing business in California in an amount not less than that specified in and in accordance with the provisions of (c).

(b) Applicants electing to show financial responsibility by a certificate of deposit as specified in (a)(2) shall assign the certificate to the director and shall maintain the certificate and not be entitled to withdraw the funds for two years after termination of the license or until all claims filed against the licensee are satisfied, whichever occurs later.

(c) Applicants may show financial responsibility by liability insurance which covers chemical bodily injury and chemical property damage or by a certificate of deposit or a surety bond to cover chemical bodily injury and chemical property damage in the amounts specified below:

6524. Financial Responsibility of Applicants for an Agricultural Pest Control Business License., continued

Type of Pest Control Operations	Liability Insurance			Certificate of Deposit or Surety Bond
	Bodily Injury Per Person	Bodily Injury Per Occurrence	Property Damage	
Agricultural pest control business license applicants who make applications <i>by ground rigs</i> or who make <i>fumigations</i>	\$100,000	\$300,000	\$ 50,000	\$ 75,000
Agricultural pest control business license applicants who make applications <i>by aircraft</i>	\$100,000	\$300,000	\$100,000	\$ 50,000
	per aircraft; property damage aggregate; one-half the property damage limit times the number of insured aircraft, where more than one aircraft is insured			per aircraft, but not to exceed \$300,000 per business license
Applicants for an agricultural pest control business license in the <i>maintenance gardener</i> category; in lieu of insurance, a certificate of deposit, or surety bond, these applicants may provide a statement to the director under penalty of perjury that as to chemical bodily injury and chemical property damage resulting from their pest control operations, they are financially able to respond in damages using their own personal assets	\$ 5,000	\$ 10,000	\$ 5,000	\$ 5,000

6524. Financial Responsibility of Applicants for an Agricultural Pest Control Business License., continued

(d) Applicants whose business involves applications by aircraft and who elect to show financial responsibility by a certificate of deposit or a surety bond shall file with and on a form provided by the director (Form number 38-054, dated 3/88, entitled "List of Aircraft") a list of the applicant's aircraft including their N numbers and their usages.

(e) Aircraft which is covered by liability insurance only for nonchemical bodily injury and nonchemical property damage shall not be operated for pesticide application purposes, unless the pest control business using the aircraft has deposited with the director, as specified in (a)(2) and (a)(3), a certificate of deposit or a surety bond for that aircraft in the amount specified in (c).

(f) Applicants who make applications by aircraft and ground rigs shall meet the financial responsibility requirements of this section for both the aircraft and ground rig types of pest control operations.

NOTE: Authority cited: Sections 11456, 11502 and 11702, Food and Agricultural Code.
Reference: Sections 11501 and 11702, Food and Agricultural Code.

Chapter 3. Pest Control Operations
Subchapter 1. Licensing
Article 3. Qualified Applicators

6530. Categories and Examinations.

Applicants may qualify by examination to work in one or more of the following categories:

- (a) Residential, Industrial and Institutional Pest Control
- (b) Landscape Maintenance Pest Control
- (c) Right-of-Way Pest Control
- (d) Agricultural Pest Control (plant)
- (e) Forest Pest Control
- (f) Aquatic Pest Control
- (g) Regulatory Pest Control
- (h) Seed Treatment
- (i) Agricultural Pest Control (animal)
- (j) Demonstration and Research
- (k) Health Related Pest Control

NOTE: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code.
Reference: Sections 11501, 14001 and 14102, Food and Agricultural Code.

6532. Expiration.

NOTE: Authority cited: Sections 407, 11702, 12976 and 14005, Food and Agricultural Code.
Reference: Sections 11501, 11702 and 14001, Food and Agricultural Code.

6534. Refusal, Revocation, and Suspension.

A qualified applicator certificate or license may be refused, revoked, or suspended by the director for any of the following:

- (a) failure to adequately supervise the use of a restricted material;
- (b) failure to comply with any applicable provision of Divisions 6 or 7 of the Food and Agricultural Code, or regulations adopted pursuant to such provisions;
- (c) making any false or fraudulent record or report.

NOTE: Authority cited: Sections 11456, 12976, 14005 and 14102, Food and Agricultural Code.
Reference: Sections 11501, 14001 and 14102, Food and Agricultural Code.

Chapter 3. Pest Control Operations
Subchapter 1. Licensing
Article 4. Pest Control Aircraft Pilot's Certificate

6540. Apprentice Pilot Supervision.

The journeyman pilot responsible for supervision of an apprentice pilot shall be aware of the conditions at the application site and be available to direct and control the manner in which applications are made by the apprentice. The availability of the journeyman shall be directly related to the actual or potential hazard of the situation.

NOTE: Authority cited: Section 11456, Food and Agricultural Code. Reference: Sections 11908 and 11909, Food and Agricultural Code.

6542. Registration.

(a) Each pest control aircraft pilot who registers as an apprentice pilot in any county shall include on the registration form the name of the journeyman pilot responsible for providing supervision of the pest control activities of such apprentice. The journeyman pilot named on the apprentice pilot's county registration must be currently registered with that county.

(b) The apprentice pilot shall immediately notify the commissioner and amend the registration in the event the journeyman pilot named on the apprentice's registration is no longer able to provide such apprentice with supervision.

NOTE: Authority cited: Sections 11456 and 11502, Food and Agricultural Code. Reference: Sections 11921 and 11924, Food and Agricultural Code.

6544. Pesticide Handling by Pilots.

Pilots who operate pest control aircraft shall not transfer, mix or load liquid category one or two pesticides containing organophosphates or carbamates unless a closed system is used.

NOTE: Authority cited: Sections 11456, 11502, 12976 and 12981, Food and Agricultural Code. Reference: Sections 11502 and 12981, Food and Agricultural Code.

Chapter 3. Pest Control Operations
Subchapter 1. Licensing
Article 5. Agricultural Pest Control Adviser Licenses

6550. Minimum Qualifications.

The provisions of this section apply to a person who has never held an agricultural pest control adviser license. The license applicant shall meet the minimum qualifications in either subsection (a) or subsection (b) through December 31, 2002. The minimum qualifications in subsection (b) shall be mandatory effective 1, 2003.

~~(a) A person who has never held an agricultural pest control adviser license shall meet the following minimum qualifications:~~

~~(1) Have either a bachelor's degree (B.A. or B.S.) in the agricultural sciences, biological sciences, or pest management; or~~

~~(2) Have 60 semester units (90 quarter units) of college-level curricula in the agricultural sciences, biological sciences, or pest management degree program, plus 24 months of technical experience as follows:~~

~~—(A) working for a licensed agricultural pest control adviser;~~

~~—(B) working for a pest management specialist including, but not limited to, a farm adviser, certified commercial applicator, certified private applicator, or licensed pest control dealer;~~

~~(C) a field sweeper, field checker or scout;~~

~~(D) a participant in field or laboratory research activities relating to pest control;~~

~~(E) a participant in agricultural pest control/management activities for a federal, state, or county entity;~~

~~(F) a qualified applicator licensee pursuant to Division 6, Chapter 8, commencing with section 12201, Food and Agricultural Code, employed by a licensed pest control business except that no more than 12 months experience solely in the categories specified in subsections 6530(b) and (k) shall be used;~~

~~(G) an authorized licensee listed on a structural pest control operator license except that no more than 12 months experience as a licensed structural pest control operator shall be used; or~~

~~(H) a farm operator involved in agricultural pest control/management activities.~~

~~—(3) In addition to either (a)(1) or (a)(2), the college-level curricula shall include a total of 39 semester units (58.5 quarter units), in the following:~~

~~—(A) Biological science courses including one chemistry course, including a minimum of 12 semester units (18 quarter units);~~

~~—(B) Agricultural science courses including both production and pest management courses; including a minimum of 18 semester units (27 quarter units); and~~

~~—(C) Agricultural science, biological science, pest management and/or chemistry courses, including a minimum of 9 semester units (13.5 quarter units);~~

(a) (b) Effective January 1, 2003, A a person who has never held an agricultural pest control adviser license shall meet the following minimum qualifications:

(1) Have either a bachelor's degree (B.A. or B.S.) in the agricultural sciences, biological sciences, or pest management; or

(2) Have 45 semester units (67.5 quarter units) of college-level curricula in the physical and biological sciences, crop health, pest management systems and methods, and production systems topic areas plus 24 months of technical experience as follows: specified in (a)(2)(A-14)

(A) working for a licensed agricultural pest control adviser;

6550. Minimum Qualifications., continued

(B) working for a pest management specialist including, but not limited to, a farm adviser, certified commercial applicator, certified private applicator, or licensed pest control dealer;

(C) a field sweeper, field checker or scout;

(D) a participant in field or laboratory research activities relating to pest control;

(E) a participant in agricultural pest control/management activities for a federal, state, or county entity;

(F) a qualified applicator licensee pursuant to Division 6, Chapter 8, commencing with section 12201, Food and Agricultural Code, employed by a licensed pest control business except that no more than 12 months experience solely in the categories specified in subsections 6530(b) and (k) shall be used;

(G) an authorized licensee listed on a structural pest control operator license except that no more than 12 months experience as a licensed structural pest control operator shall be used; or

(H) a farm operator involved in agricultural pest control/management activities.

(3) The college-level curricula specified in (a) (b)(1) and (a) (b)(2) shall include at least 45 semester units (67.5 quarter units) as shown in the following table:

Area of Study	Semester Units	Quarter Units
Physical and biological sciences such as introduction to inorganic chemistry, organic chemistry, biochemistry, plant biology, or botany, ecology, soils, irrigation, genetics, plant physiology, entomology, and zoology	15	22.5
Crop health such as vegetative management or weeds, plant pathology, agricultural/economic entomology, plant nutrition or fertility, nematology, and vertebrate management	12	18
Pest management systems and methods, with at least one course in pest management systems and one course in pest management methods	9	13.5
Pest management methods <u>systems</u> topics such as agricultural chemical applications, properties of pesticides, mode of action of agricultural chemicals, toxicology, environmental impact of pesticides, and biological control		
Pest management systems <u>methods</u> topics such as integrated pest management, alternative cropping systems, and sustainable agricultural systems		
Production systems such as environmental horticulture, horticulture, ornamental horticulture, forestry, agronomy, crop science, vegetable crops, animal science, or other production systems	9	13.5
Total <u>Units</u> Units Required	45	67.5

(c) The applicant shall submit to the Director an official transcript verifying the courses completed and the degrees granted to the applicant. In addition, an applicant qualifying pursuant to (a)(2) or ~~(b)(2)~~ shall submit employment records, a statement from an employer, or other proof of technical experience to the Director.

6550. Minimum Qualifications., continued

NOTE: Authority cited: Sections 11456, 12005 and 12024, Food and Agricultural Code.
Reference: Section 12024, Food and Agricultural Code.

6552. Continued Education Requirements.

NOTE: Authority cited: Sections 407, 12005 and 12024, Food and Agricultural Code.
Reference: Sections 11501 and 12024, Food and Agricultural Code.

6554. Regional Accreditation Committee.

NOTE: Authority cited: Sections 407, 12005 and 12024, Food and Agricultural Code.
Reference: Sections 11501 and 12024, Food and Agricultural Cod.

6556. Recommendations.

In addition to the requirement of Section 12003 of the Food and Agricultural Code, each recommendation shall include:

- (a) Total acreage or units to be treated;
 - (b) Concentration and volume per acre or other units;
 - (c) Worker reentry interval, if one has been established; preharvest or preslaughter interval; and label restrictions on use or disposition of the treated commodity, by-products or treated area;
 - (d) Criteria used for determining the need for the recommended treatment; and
 - (e) Certification that alternatives and mitigation measures that would substantially lessen any significant adverse impact on the environment have been considered and, if feasible, adopted.
- In addition, the recommendation shall designate the pest by accepted common name.

NOTE: Authority cited: Sections 11456, 12003 and 12005, Food and Agricultural Code.
Reference: Section 12003, Food and Agricultural Code.

6557. Advisories for Groundwater Protection.

(a) Each groundwater protection advisory shall be in writing, shall be specific to not more than one chemical listed in section 6800(a), and shall include the following:

- (1) Name and address of the owner or operator of the property to be treated;
- (2) Location of each property to be treated, including the designation by base meridian, township, range and section;
- (3) The basic soil textural class (such as sandy loam, silty clay loam or clay) for each site on the property to be treated;
- (4) A map of the property to be treated, identifying all known areas that could impact the movement of the chemical to ground water, including but not limited to abandoned and surface drainage (dry) wells, and irrigation and domestic wells;
- (5) The conditions for the property to be treated in relation to basic soil textural class, irrigation practices, and the location of wells, including but not limited to abandoned and surface drainage (dry) and irrigation and domestic, to minimize the movement of the chemical to groundwater;

6557. Advisories for Groundwater Protection., continued

(6) The signature and address of the agricultural pest adviser writing the advisory and the date and number of the agricultural pest control adviser's license.

(b) A licensed agricultural pest control adviser shall:

(1) File written proof of completion of the approved Groundwater Protection Training Program within the past 2 calendar years in each county in which the adviser intends to make ground water protection advisories pursuant to this section;

(2) Retain one copy of each groundwater protection advisory for agricultural, outdoor institutional or outdoor industrial use for one year following the date of such advisory. The advisory shall be available to the director and commissioner upon request and one copy of each such advisory shall be furnished to the owner or operator of the property.

(c) The information listed in subparagraph (a) does not meet the requirements of a written recommendation.

NOTE: Authority cited: Sections 11456, 12976, 13145, 14005, 14006 and 14102, Food and Agricultural Code. Reference: Sections 11501, 13145 and 14006, Food and Agricultural Code.

Chapter 3. Pest Control Operations
Subchapter 1. Licensing
Article 6. Pesticide Dealer Licenses

6560. Supervision.

(a) Each licensed pesticide dealer shall have and maintain at the principal office and at each branch location a designated agent to actively supervise all operations conducted by the location.

(b) The designated agent shall be a person who has passed the laws and regulations examination; or who holds a valid agricultural pest control adviser license, pest control aircraft pilot certificate, or is a qualified applicator licensee.

NOTE: Authority cited: Sections 11456 and 12111, Food and Agricultural Code.

Reference: Sections 11501 and 12103, Food and Agricultural Code.

6562. Dealer Records and Sales Reporting.

(a) Each licensed pesticide dealer shall prepare and maintain records of all pesticides sold or delivered, except for pesticides labeled only for home use. These records shall include the following:

- (1) The purchaser's name and address;
- (2) The product purchased, and the amount;
- (3) The date of purchase;
- (4) The operator identification number(s) specified in Section 6622 on the invoice, or a statement on the invoice indicating that the purchaser was not required to obtain an operator identification number pursuant to Section 6622;
- (5) A copy of an agricultural pest control adviser's written recommendation, or the following statement (or a substantially similar statement) on the invoice or delivery slip supplied to the customer:

No recommendation has been made by, or provided to, the seller concerning the use of the pesticide covered by this invoice; and

(6) The location where the pesticide was delivered, including the name of the person who, or business which, received the shipment, if the dealer delivered the pesticide.

(b) The records shall be maintained at the sales office for two years. These records shall be produced for inspection, by purchaser name, upon request by the director or agricultural commissioner.

NOTE: Authority cited: Sections 11456, 12111, 12976 and 13145, Food and Agricultural Code.

Reference: Sections 11501, 12110 and 13145, Food and Agricultural Code.

6564. Appropriate Products.

All persons engaged in business as licensed pesticide dealers shall:

(a) Sell or deliver a pesticide for which a recommendation has been provided to him or written by any person employed by him only when the pesticide labeling corresponds to the recommendation; and

(b) Not knowingly sell or deliver a pesticide for use not shown in the labeling, or when any condition of use shown in the labeling cannot be complied with.

6564. Appropriate Products., continued

NOTE: Authority cited: Sections 11456 and 12111, Food and Agricultural Code.

Reference: Sections 12971 and 12973, Food and Agricultural Code.

6566. Supplemental Labeling.

When a recommended pesticide usage is included only in registered supplemental labeling, both the written recommendation, if any, and such registered supplemental labeling shall be delivered by the dealer to the applicator in sufficient time to allow him to prepare properly for the application.

NOTE: Authority cited: Sections 11456 and 12111, Food and Agricultural Code. Reference: Sections 11501 and 12973, Food and Agricultural Code.

6568. Dealer Responsibilities.

(a) Each licensed pest control dealer that sells a restricted material which requires a permit for its use or possession shall, before sale or delivery, obtain a copy of the permit.

(b) A restricted material specified in section 6400(a) (federally restricted use) or in section 6400(d) (potential to pollute ground water) that does not require a permit for possession or use shall be sold or delivered only to a certified applicator. The dealer shall, before sale or delivery, obtain from the purchaser a copy of his or her qualified applicator license or certificate, private applicator certificate, or a signed statement in substantially the following form:

I am a certified applicator authorized by the scope of my _____
(license/certificate type)

license/certification No. _____ to use the restricted material(s) I am purchasing.

My license/certificate is valid until _____
(Date)

Name of operator of the property that I am employed by (if applicable): _____

(Certified Applicator)

(Date)

(c) Prior to the sale or delivery of pesticides listed in section 6622 to the operator of the property (or the operator's authorized representative), the dealer shall obtain from the purchaser a copy of the restricted materials permit showing all operator identification numbers, if the purchaser has such a permit; or a copy of the form issued to an operator of the property pursuant to section 6622.

(d) The dealer shall send a list of the operator identification numbers with corresponding names of persons purchasing pesticides during the quarter, within 10 days following the end of each quarter of the calendar year, to each of the commissioners who issued the numbers. The dealer is not required to send the list to the commissioner of the county in which the dealer is located.

(e) The dealer shall retain for two years a copy of each form specified in section 6622, permit, or signed statement that pesticide purchaser provided to the dealer.

6568. Dealer Responsibilities., continued

NOTE: Authority cited: Section 11456 and 14005, Food and Agricultural Code. Reference: Sections 11501, 14006, 14010 and 14035, Food and Agricultural Code.

6570. Groundwater Protection Materials Requirements.

(a) Prior to sale of a pesticide specified in Section 6800(a) (Groundwater Protection List), for which Pesticide Management Zones have been established in Section 6802 and when the pesticide is intended for agricultural, outdoor institutional, or outdoor industrial use, the dealer shall obtain and retain for two years a signed statement from the purchaser in substantially the following form:

PESTICIDE SALES: GROUNDWATER PROTECTION

/___/ The material I am purchasing will not be used in a Pesticide Management Zone * (as described in Section 6802, Title 3, California Code of Regulations) for agricultural, outdoor institutional or outdoor industrial use.

/___/ The material I am purchasing will be used in a Pesticide Management Zone * (as described in Section 6802, Title 3, California Code of Regulations) for agricultural, outdoor institutional or outdoor industrial use and a copy of my restricted materials permit is attached.

Material purchased: _____

I certify under penalty of perjury that the foregoing statement is true, and that I will not apply any material listed in Section 6800(a) in any Pesticide Management Zone for agricultural, outdoor institutional or outdoor industrial uses except in accordance with a permit issued by the county agricultural commissioner or the director in a county in which there is no commissioner.

Purchaser

Date

*A Pesticide Management Zone is a geographical area of approximately one square mile which is sensitive to groundwater pollution. A list of these zones is available from the County Agricultural Commissioner.

(b) For each sale of a Groundwater Protection List chemical which does not require a restricted materials permit, the dealer shall provide to the purchaser a copy of the department's Groundwater Protection List Use Report form.

NOTE: Authority cited: Sections 11456, 12976 and 13145, Food and Agricultural Code. Reference: Sections 11501 and 13145, Food and Agricultural Code.

6572. Sales Reporting.

NOTE: Authority cited: Sections 407, 12976 and 13145, Food and Agricultural Code.

Reference: Section 13145, Food and Agricultural Code.

6574. Antifouling Paints or Coatings Containing Tributyltin-Dealer Requirements.

(a) Antifouling paints or coatings containing tributyltin shall be sold only for the following purposes:

- (1) For application to aluminum vessel hulls;
- (2) For application to vessel hulls 82 feet or more in length; or
- (3) For application to outboard motors or lower drive units.

(b) Prior to sale, the dealer shall secure a copy of the vessel registration to verify the use requirements of (a)(1) or (2). If no vehicle registration exists, or the paint or coating will be applied to an outboard motor or lower drive unit, the dealer shall secure a sworn statement to verify the use requirements of (a)(1), (2), or (3). The sworn statement shall be made in substantially the following form:

I, (name of purchaser), declare under penalty of perjury that the antifouling paint or coating containing tributyltin that I am purchasing shall be applied only to an aluminum vessel hull, to a vessel hull 82 feet or more in length, or to an outboard motor or lower drive unit. The serial number of the vessel is (number).

(Signature of Purchaser)

(Date)

(c) The dealer shall prepare and maintain the following records for all sales of antifouling paints that contain tributyltin:

- (1) Name and address of vessel owner;
- (2) Name and certificate or license number of the certified commercial applicator and location of vessel where application is to be made;
- (3) Date of sale;
- (4) Quantity sold; and
- (5) A copy of the vessel registration or sworn statement verifying the vessel length, vessel hull composition requirements, or intended use on an outboard motor or lower drive unit and registration number. If no registration number exists, the vessel serial number shall be included.

(d) The dealer shall maintain the records specified in (c) in a separate log of sales for two years, and the records shall be readily accessible to the director and the commissioner upon request.

NOTE: Authority cited: Sections 12111 and 14005, Food and Agricultural Code.

Reference: Sections 11501 and 14006, Food and Agricultural Code.

Chapter 3. Pest Control Operations
Subchapter 2. Work Requirements
Article 1. Pest Control Operations Generally

6600. General Standards of Care.

Each person performing pest control shall:

- (a) Use only pest control equipment which is in good repair and safe to operate.
- (b) Perform all pest control in a careful and effective manner.
- (c) Use only methods and equipment suitable to insure proper application of pesticides.
- (d) Perform all pest control under climatic conditions suitable to insure proper application of pesticides.
- (e) Exercise reasonable precautions to avoid contamination of the environment.

NOTE: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code.

Reference: Section 11501, Food and Agricultural Code.

6601. General Application of Standards.

(a) Whenever pesticide product labeling requires the use of personal protective equipment or specifies other restrictions or procedures be followed, the application of that labeling requirement to an owner or operator of the property to be treated, their families, and others, shall be consistent with any applicable standards for employees in Subchapter 3, commencing with Section 6700.

(b) It is not the intent of these regulations to require separate or duplicate equipment or facilities. Equipment and facilities provided for compliance with the requirements of other agencies may also be used for complying with these regulations provided the equipment and facilities meet the requirements of these regulations.

NOTE: Authority cited: Sections 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501, 12973 and 12980, Food and Agricultural Code.

6602. Availability of Labeling.

A copy of the registered labeling that allows the manner in which the pesticide is being used shall be available at each use site.

NOTE: Authority cited: Sections 11456 and 12976, Food and Agricultural Code. Reference: Section 11501 and 12973, Food and Agricultural Code.

6604. Accurate Measurement.

Concentrate pesticides shall be weighed or measured accurately using devices which are calibrated to the smallest unit in which the pesticide is being weighed or measured.

NOTE: Authority cited: Sections 11456 and 12976, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code.

6606. Uniform Mixture.

A uniform mixture shall be maintained in both application and service rigs.

NOTE: Authority cited: Sections 11456 and 12976, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code.

6608. Equipment Cleaning.

Pest control equipment shall be thoroughly cleaned when necessary to prevent illness or damage to persons, plants or animals from residues of pesticides previously used in the equipment.

NOTE: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code.

6610. Backflow Prevention.

Each service rig and piece of application equipment that handles pesticides and draws water from an outside source shall be equipped with an air-gap separation, reduced pressure principle backflow prevention device or double check valve assembly. Backflow protection must be acceptable to both the water purveyor and the local health department.

NOTE: Authority cited: Sections 11456 and 12976, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code.

6612. Age.

No person shall permit a minor under 18 years of age to mix or load a pesticide which, in any use situation, use of any of the following is required by labeling or regulation:

- (a) air supplied respiratory protection,
- (b) closed systems, or
- (c) full-body, chemical-resistant protective clothing.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6614. Protection of Persons, Animals, and Property.

(a) An applicator prior to and while applying a pesticide shall evaluate the equipment to be used, meteorological conditions, the property to be treated, and surrounding properties to determine the likelihood of harm or damage.

(b) Notwithstanding that substantial drift would be prevented, no pesticide application shall be made or continued when:

- (1) There is a reasonable possibility of contamination of the bodies or clothing of persons not involved in the application process;
- (2) There is a reasonable possibility of damage to nontarget crops, animals, or other public or private property; or

6614. Protection of Persons, Animals, and Property., continued

(3) There is a reasonable possibility of contamination of nontarget public or private property, including the creation of a health hazard, preventing normal use of such property. In determining a health hazard, the amount and toxicity of the pesticide, the type and uses of the property and related factors shall be considered.

NOTE: Authority cited: Sections 12976 and 12981, Food and Agricultural Code. Reference: Sections 11501 and 11791, Food and Agricultural Code.

6616. Consent to Apply.

No person shall directly discharge a pesticide onto a property without the consent of the owner or operator of the property.

NOTE: Authority cited: Sections 11456 and 12976, Food and Agricultural Code. Reference: Section 11501, Food and Agricultural Code.

6618. Notice of Applications.

(a) Each person performing pest control shall give notice to the operator of the property to be treated before any pesticide is applied.

(1) The notice shall be in a manner the person can understand and include:

(A) The date of the scheduled application;

(B) The identity of the pesticide to be applied by brand or common chemical name; and

(C) Precautions to be observed as printed on the pesticide product labeling or included in applicable laws or regulations.

(2) If the scheduled application is for the commercial or research production of an agricultural plant commodity the notice shall also include:

(A) The time of the scheduled application;

(B) The location and description of the area to be treated;

(C) The applicable restricted entry interval;

(D) The product name, EPA registration number, and active ingredient; and

(E) If the pesticide product labeling requires the posting of treated fields.

(b) The operator of property for the commercial or research production of an agricultural plant commodity shall assure that notice is given to persons, as specified below, except for the persons who applied or supervised the application for which the notice is intended. For the purposes of this subsection, persons includes employees of the operator of the property and any contractor hired by the operator of the property who may walk within 1/4 mile of the treated field.

(1) The notice shall be given:

(A) Prior to the application, to persons who are in the field or likely to enter the field during the application; and

(B) Before the scheduled entry, to persons who may enter the field during the restricted entry interval.

6618. Notice of Applications., continued

(2) The notice shall be given to any licensed pest control business or licensed labor contractor hired by the operator of the property that may have employees on or within 1/4 mile of the field during the application or the restricted entry interval. The pest control business or labor contractor receiving notice shall give notice to his or her employees. In lieu of giving notice to the licensed pest control business or the licensed labor contractor, the operator of the property may give notice directly to the employees of a labor contractor or pest control business to meet the requirements of this subsection (b).

(3) The notice shall be in a manner the person can understand and include:

(A) The location and description of the treated area;

(B) The time during which entry is restricted; and

(C) Instructions not to enter the treated field, except as provided in section 6770, until the restricted entry interval has expired.

(4) The notice specified in this subsection (b) is not required when a field is posted as specified in section 6776 unless the pesticide product labeling requires both oral notification to fieldworkers and the posting of treated fields.

(c) The operator of property for purposes other than the commercial or research production of an agricultural plant commodity, shall assure that notice is given to all persons who are on the treated property, or likely to enter during the application or the period of time that any restrictions on entry are in effect, except for the persons who made or supervised the application for which the notice is intended.

(1) The notice shall be in a manner the person can understand and include:

(A) The date of the application;

(B) The identity of the pesticide by brand or common chemical name; and

(C) Precautions to be observed as printed on the pesticide product labeling or included in applicable laws or regulations.

(2) Compliance by licensed Structural Pest Control Operators with the notice requirements of section 8538 of the Business and Professions Code meets the requirements of this section.

(3) Compliance by public agencies with the notice or barrier requirements of section 12978 of the Food and Agricultural Code meets the notice requirements of this section.

NOTE: Authority cited: Sections 12976 and 12981, Food and Agricultural Code.

Reference: Sections 11501, 12980, and 12981, Food and Agricultural Code; and Section 8538, Business and Professions Code.

6619. Pesticide Application Completion Notice.

(a) In addition to the notice required pursuant to Section 6618, an agricultural pest control business applying pesticides for the production of an agricultural commodity shall give notice to the operator of the property treated (or the operator's designated employee), within 24 hours of completion of the pesticide application. The operator's designated employee must, at minimum, have the authority and ability to reschedule or stop activities involving field workers performing cultural practices (e.g., irrigating, thinning, tree-limb propping, weeding, harvesting). This notice shall include the following information:

(1) The location of the property, including the site identification number, and acreage treated;

(2) The pesticide(s) applied;

(3) The date and hour the application was completed; and

6619. Pesticide Application Completion Notice., continued

(4) The applicable reentry and pre-harvest intervals, unless a copy of a written recommendation made by a licensed agricultural pest control adviser, properly completed, was given to the operator of the property treated.

(b) If the operator of the property (or the operator's designated employee) will not be available to receive the notice within the 24-hour period, the operator shall identify in writing, the method by which the agricultural pest control business may provide notification. The method may be, but is not limited to, any of the following:

- (1) Post or leave the notice in a designated location on the operator's property;
- (2) Record the notification on a phone recorder; or
- (3) Send the notice over a facsimile machine.

(c) The operator of the property treated shall maintain a record of the application completion notice(s) he or she receives by site, and a copy of the written notification method provided to each agricultural pest control business, if one is required.

(d) The agricultural pest control business shall retain a copy of the written notification method received from the operator of the property, if the business received one.

The business shall also maintain a written record which documents the following:

- (1) The name of the operator of the property treated;
- (2) The location of the property, including the site identification number;
- (3) The date and time the notice was given; and
- (4) The method of notification, including the name of the person notified, if a person was notified.

(e) The records and written notification method required pursuant to this section shall be retained for two years and made promptly available to the director or commissioner upon request.

NOTE: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code.
Reference: Sections 11501 and 12981, Food and Agricultural Code.

6620. Vector Control Exemption.

(a) Sections 6616 (Consent to Apply) and 6618 (Notice) shall not apply to a public agency or its contractor operating under a cooperative agreement with the Department of Health Services pursuant to Section 2426 of the Health and Safety Code.

(b) Section 6614(a) (Protection of Persons, Animals and Property) shall not apply to persons or agencies specified in this section when the pesticide used is registered for use in residential areas for purposes of vector control and is used in accordance with that registered labeling.

(c) These exemptions are not intended to affect liability for damage as a result of an application made pursuant to this section.

NOTE: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code.
Reference: Sections 11501 and 12981, Food and Agricultural Code.

6622. Operator Identification Numbers.

- (a) A person performing pest control for hire is exempt from the requirements of this section.

6622. Operator Identification Numbers., continued

(b) This subsection applies to the production of an agricultural commodity. Prior to the purchase and use of pesticide(s) for the production of an agricultural commodity, the operator of the property (or the operator's authorized representative) shall obtain an operator identification number from the commissioner of each county where pest control work will be performed. The operator shall provide each pest control business applying pesticides to such property with his or her operator identification number.

(c) This subsection applies to the pesticides listed below, when they are not used for the production of an agricultural commodity (e.g., uses on cemeteries, golf courses, parks, right-of-way, post-harvest agricultural commodities, and certain nonagricultural sites). Prior to the purchase and use of pesticides listed below, each operator of the property (or the operator's authorized representative), shall obtain an operator identification number from the commissioner of each county in which the operator intends to perform pest control. The operator of the property is not required to obtain an operator identification number when a person performing pest control for hire purchases and applies these pesticides.

(1) Any pesticide for agricultural use, as defined in Food and Agricultural Code section 11408, excluding those for use only on livestock, as defined in Food and Agricultural Code section 18663;

(2) Any pesticide listed in section 6400;

(3) Any pesticide for industrial use as a post-harvest commodity treatment; and

(4) Any pesticide listed in section 6800(b) for any outdoor institutional or outdoor industrial use.

(d) This subsection applies to both subsection (b) and (c).

(1) Each operator of the property to be treated who is required to obtain a number shall provide the commissioner with a list of the counties in which pest control will be performed and all valid operator identification number(s) issued by other commissioners. The number(s) provided by the operator of the property shall be recorded by the commissioner on the operator's restricted materials permit or on a form approved by the director.

(2) The operator of the property to be treated shall be issued an operator identification number from the commissioner of each county in which the operator intends to perform pest control. The number shall be recorded on a restricted materials permit, if the operator of the property has such a permit, or issued on a form approved by the director, and shall be valid for a specified period not to exceed ~~42~~ 36 months.

(3) The requirements of this section do not exempt an operator of the property to be treated from obtaining a restricted materials permit(s) or a qualified applicator certificate.

NOTE: Authority cited: Sections 12976, 13145, and 14005, Food and Agricultural Code.

Reference: Sections 11501, 14006, and 14011.5, Food and Agricultural Code.

6623. Site Identification Numbers.

(a) Prior to the use of pesticide(s) for the production of an agricultural commodity, the operator of the property shall obtain site identification number(s) from the commissioner for each site where pest control work will be performed. The site identification number(s) shall be valid for the same, concurrent, period of time as the operator identification number.

6623. Site Identification Numbers., continued

(b) The site identification number(s) shall be recorded by the commissioner on a restricted materials permit, if the operator of the property has such a permit, or on a form approved by the director. The information on the permit or form shall include:

- (1) The name and address of the operator of the property;
- (2) The operator identification number;
- (3) The location, description, or map of the site(s) where the pest control will be performed;
- (4) A site identification number for each site where the pest control will be performed; and
- (5) The date of issuance of the site identification number(s).

(c) The operator of the property shall retain a copy of each restricted material permit or form for two years and make them promptly available to the director or commissioner upon request.

NOTE: Authority cited: Sections 11456, 12976, 13145 and 14005, Food and Agricultural Code.
Reference: Sections 12981, 14006, and 14011.5, Food and Agricultural Code.

6624. Pesticide Use Records.

(a) The following persons shall maintain records of pesticide use:

(1) Any person who uses a pesticide for an agricultural use as defined in Food and Agricultural Code section 11408, other than use on livestock as defined in Food and Agricultural Code section 18663;

(2) Any person who uses a pesticide listed in section 6400;

(3) Any person engaged for hire in the business of pest control;

(4) Any person who uses a pesticide for industrial post-harvest commodity treatment; and

(5) Any person who uses a pesticide listed in section 6800(b) for any outdoor institution or outdoor industrial use.

(b) The records shall include the following information for each pest control operation:

(1) Date of application;

(2) Name of the operator of the property treated;

(3) Location of property treated;

(4) Crop commodity, or site treated;

(5) Total acreage or units treated at the site; and

(6) Pesticide, including the U.S. Environmental Protection Agency (U.S. EPA) or State registration number which is on the pesticide label, and amount used.

(c) In addition to the information required in subsection (b), the operator of the property which is producing an agricultural commodity, and an agricultural pest control business applying pesticides to such property, shall include in the records the following information for each pest control operation:

(1) Location of the property treated, by county, section, township, range, base and meridian;

(2) Hour the treatment was completed;

(3) The operator identification number issued to the operator of the property treated;

(4) The site identification number issued to the operator of the property treated;

(5) Total acreage (planted) or units at the site; and

(6) Name or identity of the person(s) who made and supervised the application, if the pesticide application was made by an agricultural pest control business.

(d) The operator of the property which is producing an agricultural commodity shall maintain records of pesticides applied by an agricultural pest control business to such property, by site.

6624. Pesticide Use Records., continued

(e) In addition to the information required in (b), effective January 1, 2002, persons engaged for hire in the business of pest control at a school site [defined in Education Code section 17609(e)] shall include in the records the following information for each pest control operation:

- (1) Time application was completed;
- (2) Name and address of the school site; and
- (3) Application location at the school site. For purposes of this subsection, location includes, but is not limited to, classrooms, playgrounds, cafeteria, vehicles, and athletic fields.

(f) The records required pursuant to this section shall be retained for two years and made promptly available to the director or commissioner upon request.

NOTE: Authority cited: Sections 12976, 13145, 13188, and 14005, Food and Agricultural Code. Reference: Sections 11501, 11708, 11733, 13186, 14006, and 14011.5, Food and Agricultural Code.

6625. Pesticide Use Report for School Sites.

(a) In addition to the reporting requirements of section 6627, persons engaged for hire in the business of pest control at a school site and required to maintain pesticide use records pursuant to section 6624 shall report the use of pesticides to the Director. Effective January 1, 2002, the report shall be submitted, at least annually, by the 30th day following the end of the calendar year.

(b) The report shall be on a Department form, School Site Pesticide Use Reporting (PR-ENF-117 Est. 4/01), hereby incorporated by reference, or in a format approved by the Director. The report shall include the following:

- (1) The name and address of the person who, or business/organization which, applied the pesticide(s);
- (2) County where the pest control was performed;
- (3) Date and time of pesticide use;
- (4) Name and address of school site or school site identification number;
- (5) Location of application;
- (6) Pesticide, including the U.S. Environmental Protection Agency or State registration number which is on the pesticide label, and the amount used.

NOTE: Authority cited: Sections 11456, 11502, 12976, 13145, 13188, and 14005, Food and Agricultural Code. Reference: Sections 11501, 11708, 11733, 13186, 14006, and 14011.5, Food and Agricultural Code.

6626. Pesticide Use Reports for Production Agriculture.

(a) The operator of the property which is producing an agricultural commodity shall report the use of pesticides applied to the crop, commodity, or site to the commissioner of the county in which the pest control was performed. This report shall be hand-delivered or mailed, by the 10th day of the month following the month in which the work was performed. This report is not required if the pesticide use is reported to the commissioner by an agricultural pest control business as specified in subsection (b); however, the operator of the property treated, shall retain a copy of the business' "Report by Site" for two years.

6626. Pesticide Use Reports for Production Agriculture., continued

(b) An agricultural pest control business shall report the use of pesticides applied by it for the production of an agricultural commodity to the commissioner of the county in which the pest control was performed, by hand-delivery or by mail, within seven days of completion of the pesticide application. A copy of the report shall be sent by the business to the operator of the property where the pest control was done within 30 days of completion of the pesticide application.

(c) Each report of pesticide use pursuant to this section shall be on a department form or in a format approved by the director. Acceptable department forms include form 38-017 for an operator of the property to report pursuant to subsection (a), and 39-025 for an agricultural pest control business to report pursuant to subsection (b). The information to be reported shall include the information specified in section 6624, and the name and address of the agricultural pest control business which made the application, if such a business made the application.

(d) If the report is mailed, the postmark shall be the date of delivery.

(e) If the county in which work was performed has no commissioner, the report shall be made to the director.

NOTE: Authority cited: Sections 11456, 11502, 12976, 13145 and 14005, Food and Agricultural Code. Reference: Sections 11501, 11708, 11733, 12981, 14006 and 14011.5, Food and Agricultural Code.

6627. Monthly Summary Pesticide Use Reports.

(a) Except as provided in Section 6626, persons required to maintain pesticide use records pursuant to Section 6624 shall report a summary of the monthly use of pesticides to the commissioner of the county in which the work was performed. The report shall be provided to the commissioner by the 10th day of the month following the month in which the work was performed. If the report is mailed, the postmark shall be the date of delivery.

(b) The report shall be on a department form as specified in Section 6627.1 or in a format approved by the director. The report shall include the following:

(1) The name and address of the person who or business/organization which applied the pesticide(s);

(2) County where the pest control was performed;

(3) Month and year of pesticide use;

(4) Crop, commodity or site treated, except when using a designated use code, as specified on the Monthly Summary Pesticide Use Report form;

(5) Pesticide, including the United States Environmental Protection Agency or State registration number which is on the pesticide label, and the amount used;

(6) Number of applications made with each pesticide and the total number of applications made during the month; and

(7) Total acres or units treated with each pesticide, except when using a designated use code, as specified on Summary Pesticide Use Report form.

(c) If the county in which the work was performed has no commissioner, the report shall be made to the director.

6627. Monthly Summary Pesticide Use Reports., continued

NOTE: Authority cited: Sections 11456, 11502, 12976, 13145 and 14005, Food and Agricultural Code. Reference: Sections 11501, 11708, 11733, 12981, 14006 and 14011.5, Food and Agricultural Code.

6627.1. Monthly Summary Pesticide Use Report Form.**6628. Negative Pesticide Use Reports.**

(a) When, during any month, a licensed agricultural pest control business performs no pest control work in a county where the business is registered with the commissioner pursuant to Food and Agricultural Code Section 11732, it shall submit a report stating this fact to the commissioner, or to the director in any county where there is no commissioner, by the 10th day of the following month.

(b) When, during any month, a licensed structural pest control operator performs no pest control work in a county in which he provided notice of business operation to the commissioner pursuant to Section 15204 of the Food and Agricultural Code, it shall submit a report stating this fact to the commissioner, or to the director in any county where there is no commissioner, by the 10th day of the following month.

(c) If the report is mailed, the postmark shall be the date of delivery.

NOTE: Authority cited: Sections 11456, 11502, 12976, 13145 and 14005, Food and Agricultural Code. Reference: Sections 11501, 11708, 11733, 12981, 14006 and 14011.5, Food and Agricultural Code.

Chapter 3. Pest Control Operations
Subchapter 2. Work Requirements
Article 2. Pest Control Business Operations

6630. Equipment Identification.

Each person engaged for hire in the business of pest control shall keep each ground rig, service rig, and similar equipment used for mixing or applying pesticides conspicuously and legibly marked with either the business' name, or with "Licensed Pest Control Operator," "Fumigation Division," "Licensed Fumigator," or substantially similar wording and the pest control operator license number of the person or firm. The markings shall be large enough to be readable at a distance of 25 feet.

NOTE: Authority cited: Sections 11456, 11502 and 12976, Food and Agricultural Code.
Reference: Section 11501, Food and Agricultural Code.

6632. Recommendation and Use Permit.

Each person engaged for hire in the business of pest control shall have available a copy of both the written recommendation and the use permit covering each agricultural use application of a pesticide that requires a permit.

NOTE: Authority cited: Sections 11456, 11502 and 12976, Food and Agricultural Code.
Reference: Sections 11501, 12003 and 14007, Food and Agricultural Code.

6634. Accident Reports.

Each person engaged for hire in the business of pest control shall report to the commissioner as soon as practicable, by the most expedient method, any forced landing, or emergency or accidental release of pesticides. Such report shall include the location, the pesticide, and estimated amount.

NOTE: Authority cited: Sections 11456, 11502 and 12976, Food and Agricultural Code.
Reference: Section 11501, Food and Agricultural Code.

6636. Pest Control Records and Reports.

NOTE: Authority cited: Sections 407, 11502 and 12976, Food and Agricultural Code.
Reference: Sections 11501, 11708 and 11733, Food and Agricultural Code.

Chapter 3. Pest Control Operations
Subchapter 2. Work Requirements
Article 3. Protection of Bees

6650. Pesticides Toxic to Bees.

(a) Pesticides toxic to bees are those that include the words "toxic to bees" on the labeling of the pesticide, regardless of modifying words on the label that state "highly" or "moderately."

(b) Bees are considered to be inactive from one hour after sunset to two hours before sunrise or when the temperature is below 55 degrees Fahrenheit. The sunset and sunrise times will be those indicated in the local newspaper.

(c) Residual toxicity (RT) time is that period of time after completing a pesticide application until there is minimal toxic effect to bees. The RT time is specified on product labeling and is based upon Residual Toxicity₂₅ (RT₂₅) studies. RT₂₅ studies determine 25 percent bee mortality based on the test bee population exposed to the formulated pesticide product applied to foliage.

NOTE: Authority cited: Section 29102, Food and Agricultural Code.

Reference: Sections 29100 and 29102, Food and Agricultural Code.

6651. Vector Control Exemption.

Pesticides diluted in one half gallon of water or more per acre applied by local vector control agencies or their contractors pursuant to a cooperative agreement with the Department of Health Services are exempt from the requirements of this article.

NOTE: Authority cited: Section 29102, Food and Agricultural Code. Reference: Sections 29100 and 29102, Food and Agricultural Code.

6652. Availability for Notification.

(a) Each beekeeper who desires advance notice of applications of pesticides shall inform the commissioner of a two-hour period between 6 a.m. and 8 p.m. each day, during which time the beekeeper shall be available for contact, at the beekeeper's expense, to receive advance notice from persons intending to apply pesticide(s). This request for notification shall expire on December 31 each year.

(b) This section shall apply statewide. However, from March 15 through May 15 in a citrus/bee protection area, if there are conflicts between the provisions of this section and those of section 6656, section 6656 shall prevail.

NOTE: Authority cited: Section 11456 and 29102, Food and Agricultural Code. Reference: Section 29102, Food and Agricultural Code.

6654. Notification to Beekeepers.

(a) Each person intending to apply any pesticide toxic to bees to a blossoming plant shall, prior to the application, inquire of the commissioner, or of a notification service designated by the commissioner, whether any beekeeper with apiaries within one mile of the application site has requested notice of such application.

6654. Notification to Beekeepers., continued

(b) If the person performing pest control is advised of a request for notification, he or she shall notify the beekeeper, at least 48 hours in advance of the application, of the time and place the application is to be made, the crop and acreage to be treated, the method of application, the identity and dosage rate of the application to be applied, and how the person performing pest control may be contacted by the beekeeper. This time may be increased or decreased by the commissioner, or by an agreement of both the beekeeper and the person performing the pest control work.

(c) This section shall apply statewide. However, from March 15 through May 15 in a citrus/bee protection area, if there are conflicts between the provisions of this section and those of section 6656, section 6656 shall prevail.

NOTE: Authority cited: Section 29102, Food and Agricultural Code.

Reference: Section 29102, Food and Agricultural Code.

6655. Notification Region for Butte, Glenn and Tehama Counties.

(a) The counties of Butte, Glenn, and Tehama are established as a region for the notification of apiary owners of pesticide applications by pest control operators who are registered with the commissioners of any of these counties pursuant to Section 11732 of the Food and Agricultural Code, and who are required to give notification to beekeepers pursuant to Section 6654.

(b) The agricultural commissioner of Glenn County shall be the coordinator for the region.

(c) Pest control operators specified in (a) shall pay an annual fee of \$75.00 to the coordinator. The fee shall be paid at the same time the operator registers with any of the commissioners in the region as specified in (a).

(d) Beekeepers who have filed a request with any of the agricultural commissioners of the region for notification of pesticide usage pursuant to Section 29101 of the Food and Agricultural Code, shall pay an annual fee to the coordinator in accordance with the following schedule:

<u>Beehives</u>	<u>Annual Fee</u>
1 to 100	\$ 10.00
101 to 500	\$ 25.00
501 to 2,000	\$ 50.00
over 2,000	\$100.00

The fee shall be paid at the same time the beekeeper files a request for notification of pesticide applications with any of the commissioners of the region.

NOTE: Authority cited: Sections 11456, 29080, 29081 and 29082, Food and Agricultural Code.

Reference: Sections 29080, 29081, 29082, and 29101, Food and Agricultural Code.

6656. Citrus/Bee Protection Area.

(a) The area within one mile of any citrus planting of one acre or more in Fresno, Kern, or Tulare County is designated as a citrus/bee protection area.

(b) The citrus bloom period, in any citrus grove, for purposes of declaring bloom and label interpretation, shall be from when 10 percent of the total citrus blossoms are open until 75 percent of the blossom petal on the north side of the trees have fallen.

6656. Citrus/Bee Protection Area., continued

The commissioner shall give public notice of the official beginning and ending dates of each citrus bloom period for each citrus growing district in the county, at least three days before establishing such dates.

(c) Pesticide applications may be made 48 hours or more after the official end of citrus bloom without advance notification to beekeepers until March 15 of the following year pursuant to section 6654(c). Growers/pesticide applicators wishing to make pesticide applications prior to 48 hours after the official end of bloom shall follow the inquiry and notification procedures specified in subsections(a) and (b) of section 6654.

(d) Each person who owns or operates any apiary within a citrus/bee protection area from March 15 through May 31, shall file a written notice of apiary locations with the commissioner before March 15 and shall update such notice, including notice of departure from the citrus/bee protection area.

(e) Within a citrus/bee protection area, each beekeeper who desires notifications of applications of pesticides shall be available for telephone contact at the beekeeper's expense between 4 p.m. and 7 p.m., Monday through Saturday from March 15 through May 31, to receive advance notice for persons intending to apply pesticide(s).

(f) Any person intending to apply a pesticide toxic to bees to citrus during a citrus bloom period, except as otherwise provided in this subsection, shall file a notice of intent with the commissioner as provided in section 6434(b) at least 48 hours prior to the intended application. This subsection shall not apply to pesticides listed in section 6656(g) applied when bees are inactive.

(g) Notwithstanding section 6654(b), the following pesticide applications may be made within a citrus/bee protection area during the citrus bloom period when bees are inactive without notifications to beekeepers:

- (1) Methomyl (Lannate);
- (2) formetanate (Carzol);
- (3) Chlorpyrifos (Lorsban);
- (4) Any pesticide applied so that the RT period shown on the labeling will expire before the next period of bee activity.

(h) Except for applications of pesticides listed in subsection (g), and applications of pesticides that are not toxic to bees, within a citrus/bee protection area during the citrus bloom period, an application delay of 48 hours or more requires that the person intending to apply the pesticide re-contact beekeepers and inform them of the change in scheduling.

(i) The following applications to citrus are prohibited within a citrus/bee protection area:

- (1) Carbaryl (Sevin) from first bloom until complete petal fall.
- (2) Any pesticide toxic to bees, except those exempted in subsection (g) during a citrus bloom period, unless the need for control of lepidoptera larvae or citrus thrips (*Scirtothrips citri*) has been established by written recommendation of a representative of the University of California, Agricultural Extension Service, or a licensed agricultural pest control adviser. The recommendation shall state either that the citrus planting does not meet the citrus bloom period criteria, or why alternatives less hazardous to bees would not be effective. For azinphos-methyl (Guthion), this requirement shall remain in effect until complete petal fall.

6656. Citrus/Bee Protection Area., continued

NOTE: Authority cited: Sections 11456 and 29102, Food and Agricultural Code.

Reference: Sections 29100, 29101 and 29102, Food and Agricultural Code.

Chapter 3. Pest Control Operations
Subchapter 2. Work Requirements
Article 4. Storage, Transportation and Disposal

6670. Container Control.

Pesticides, emptied containers or parts thereof, or equipment that holds or has held a pesticide, shall not be stored, handled, emptied, disposed of, or left unattended in such a manner or at any place where they may present a hazard to persons, animals (including bees), food, feed, crops or property. The commissioner may take possession of such unattended pesticides or emptied containers to abate such hazard.

NOTE: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code.
Reference: Sections 11501, 12981 and 14102, Food and Agricultural Code.

6672. Delivery of Pesticide Containers.

(a) No person shall deliver a container that holds, or has held, a pesticide to a property unless he stores it in an enclosure or closure complying with the requirements of this section or delivers it to a person in charge of the property or his agent, or a pest control operator or his employee. The person receiving the container shall control access to it in accordance with this section.

(b) Each person who controls the use of any property or premises is responsible for all containers or equipment on the property that hold, or have held, a pesticide. Unless all such containers are under his personal control so as to avoid contact by unauthorized persons, he shall:

(1) Provide a person responsible to him to maintain such control over the containers at all times; or

(2) Store all such containers in a locked enclosure, or in the case of liquid pesticides in a container larger than 55 gallons in capacity, the container shall have a locked closure. Either shall be adequate to prevent unauthorized persons from gaining access to any of the material.

NOTE: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code.
Reference: Sections 11501, 12981 and 14102, Food and Agricultural Code.

6674. Posting of Pesticide Storage Areas.

Signs visible from any direction of probable approach shall be posted around all storage areas where containers that hold, or have held, pesticides required to be labeled with the signal words "warning" or "danger" are stored. Each sign shall be of such size that it is readable at a distance of 25 feet and be substantially as follows:

DANGER

POISON STORAGE AREA

ALL UNAUTHORIZED PERSONS KEEP OUT

KEEP DOOR LOCKED WHEN NOT IN USE

6674. Posting of Pesticide Storage Areas., continued

The notice shall be repeated in an appropriate language other than English when it may reasonably be anticipated that persons who do not understand the English language will come to the enclosure.

NOTE: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code.

Reference: Sections 11501, 12981 and 14102, Food and Agricultural Code.

6676. Container Requirements.

Except as provided in the Food and Agricultural Code pertaining to service containers, any container that holds, or has held, any pesticide, when stored or transported, shall carry the registrant's label. All lids or closures shall be securely tightened except when the procedure described in Section 6684 has been followed. This section shall not apply to measuring devices that are not used to store or transport a pesticide.

NOTE: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code.

Reference: Sections 11501, 12981 and 14102, Food and Agricultural Code.

6678. Service Container Labeling.

Service containers, other than those used by a person engaged in the business of farming when the containers are used on the property the person is farming, shall be labeled with:

- (a) The name and address of the person or firm responsible for the container;
- (b) The identity of the economic poison in the container; and
- (c) The word "Danger," "Warning," or "Caution," in accordance with the label on the original container.

NOTE: Authority cited: Sections 11456, 11502, 12781 and 12859, Food and Agricultural Code.

Reference: Sections 11501 and 12859, Food and Agricultural Code.

6680. Prohibited Containers for Pesticides.

In no case shall a pesticide be placed or kept in any container of a type commonly used for food, drink or household products.

NOTE: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code.

Reference: Sections 11501, 12981 and 14102, Food and Agricultural Code.

6682. Transportation.

- (a) Pesticides shall not be transported in the same compartment with persons, food or feed.
- (b) Pesticide containers shall be secured to vehicles during transportation in a manner that will prevent spillage onto the vehicle or off the vehicle. Paper, cardboard, and similar containers shall be covered when necessary to protect them from moisture.

NOTE: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code.

Reference: Sections 11501, 12981 and 14102, Food and Agricultural Code.

6684. Rinse and Drain Procedures.

(a) Except for containers to be returned to the registrant, each emptied container that has held less than 28 gallons of a liquid pesticide that is diluted for use shall be rinsed and drained by the user at time of use as follows:

(b)(1) Use the following amount of water or other designated spray carrier for each rinse.

<u>Size of container</u>	<u>Amount of rinse medium</u>
Less than 5 gallons	1/4 container volume
5 gallons or over	1/5 container volume

(2) Place required minimum amount of rinse medium in the container, replace closure securely, and agitate.

(3) Drain rinse solution from container into tank mix. Allow container to drain 30 seconds after normal emptying.

(4) Repeat (2) and (3) above a minimum of two times so as to provide a total of three rinses; or

(c)(1) Invert the emptied container over a nozzle located in the opening of the mix tank which is capable of rinsing all inner surfaces of the container.

(2) Activate the rinse nozzle allowing the rinse solution to drain into the tank. The rinse shall continue until the rinse solution appears clear and a minimum of one-half of the container volume of rinse medium has been used. A minimum of 15 pounds pressure per square inch shall be used for rinsing; or

(d) Other rinse methods, at least equal in effectiveness to the above, approved by the director.

NOTE: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code.

Reference: Sections 11501, 12981 and 14102, Food and Agricultural Code.

6686. Exemptions.

(a) Sections 6672, 6674, 6682 and 6684 shall not apply to containers that hold or have held pesticides packaged, labeled, and used for home use when in the possession of a householder on his property.

(b) Sections 6670(b) and 6672(b) shall not apply to exempt materials specified in section 6402 except where the commissioner, or the director in any county where there is no commissioner, determines that a hazard to public health and safety exists requiring the control specified in sections 6670(b) and 6672(b).

(c) Section 6684 shall not apply to outer shipping containers that are not contaminated with a pesticide.

(d) This article shall not apply to sanitizers, disinfectants, or medical sterilants.

NOTE: Authority cited: Sections 11456, 12976 and 12981, Food and Agricultural Code.

Reference: Sections 11501, 12981 and 14102, Food and Agricultural Code.

Chapter 3. Pest Control Operations
Subchapter 3. Pesticide Worker Safety
Article 1. General Scope and Purpose

6700. Scope.

This group specifies work practices for:

- (a) employees who mix, load, apply, store, transport, or otherwise handle pesticides for any use, except for manufacturing, formulating or repackaging of pesticides; and
- (b) for employees who are exposed to residues of pesticides after application to fields.

The requirements of this group do not allow a lower standard of protection when pesticide labeling statements require a higher standard of protection.

The requirements of this group do not apply to storage and transportation of pesticides in the manufacturer's sealed or closed container. In general, the work practices and safety requirements stated in this group are designed to reduce risk of exposure and to ensure availability of medical services for employees who handle pesticides, and to provide safe working conditions for field and other workers.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6701. Interpretation Consistent with Federal Standards.

Whenever the context will allow, the requirements of this subchapter should be interpreted at least as strict as, and consistent, with the Worker Protection Standards in Title 40 Code of Federal Regulations, Part 170. It is intended that these regulations, rather than those in Title 40 Code of Federal Regulations, Part 170, be enforced by the Department of Pesticide Regulation and county agricultural commissioners within the State of California. Any reference to Part 170, Code of Federal Regulations on pesticide product labeling shall be considered a reference to Title 3, Division 6, California Code of Regulations when use occurs within California.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 11501, 12973, 12980, and 12981, Food and Agricultural Code.

6702. Employer-Employee Responsibilities.

(a) The employer shall comply with each regulation in this subchapter which is applicable to the employer's action or conduct.

(b) The employer:

- (1) Is responsible for knowing about applicable safe use requirements specified in regulations and on the pesticide product labeling;
- (2) Shall inform the employee, in a language the employee understands, of the specific pesticide being used, pesticide safety hazards, the personal protective equipment and other equipment to be used, work procedures to be followed, and pesticide safety regulations applicable to all activities they may perform;
- (3) Shall supervise employees to assure that safe work practices, including all applicable regulations and pesticide product labeling requirements are complied with;
- (4) Has the duty to provide a safe work place for employees and require employees to follow safe work practices; and

6702. Employer-Employee Responsibilities., continued

(5) Shall take all reasonable measures to assure that employees handle and use pesticides in accordance with the requirements of law, regulations, and pesticide product labeling requirements.

(c) Employees shall utilize the personal protective equipment and other safety equipment required by pesticide product labeling or specified in this subchapter that has been provided by the employer at the work site in a condition that will provide the safety or protection intended by the equipment.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6704. Application of Labor Code.

In order to insure that rights granted to California employees by Chapter 1 of Division 5 of the California Labor Code are adequately provided to agricultural employees, including employee rights (1) to file confidential complaints alleging unsafe work conditions, (2) to have complaints promptly investigated, (3) to talk to inspectors or compliance officers, and to point out hazards during the inspection process, (4) to be notified of any relevant job hazard, and (5) to not be subject to any retaliation or discrimination because such employee has filed any complaint regarding an unsafe work condition, the director, commissioners, and the Department of Industrial Relations shall cooperate in fully implementing any master agreements entered into between these parties which are designed to insure enforcement of employees' rights as well as any inspection protocols adopted pursuant to such master agreements.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6706. Hazardous Areas.

When there is a reasonable suspicion by the director or commissioner that a specific workplace has been or may be unsafe for workers due to exposure to active or inert ingredients in pesticide products, or breakdown products of these ingredients, the director or commissioner may require the employer to prohibit entry of employees into that workplace. The director or commissioner may require the employer to provide medical supervision for the period of time necessary for the director to determine the safety of the workplace to protect employees who have been working in or will enter that workplace. This medical supervision may include biological monitoring of persons for possible over-exposure to pesticide product ingredients or breakdown products of these ingredients. The director or commissioner may also specify exposure time limits and protective clothing and equipment to be worn by employees under these circumstances.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6708. Inspection Authority.

NOTE: Authority cited: Sections 407 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6710. Studies on Pesticide Safety.

(a) No person shall conduct any pesticide exposure study in California, which involves human participants, unless the Director has given written authorization to the study director to conduct the pesticide exposure study according to an approved protocol.

(b) The study director shall submit the protocol to the Director for review and provisional determination of acceptability.

(c) The Director shall forward a copy of the protocol and review documentation to the Office of Environmental Health Hazard Assessment for concurrent review.

(d) The Director shall provide comments to the study director on the basis of Department of Pesticide Regulation review and any comments from the Office of Environmental Health Hazard Assessment. The study director shall make any changes deemed necessary by the Director. Upon receipt of the Director's provisional determination of acceptability, the study director shall obtain a review and approval from an Institutional Review Board (IRB). The IRB must conduct its review in compliance with Title 40 Code of Federal Regulations (Protection of Environment), Part 26 (Protection of Human Subjects).

(e) The study director shall submit to the Director the IRB's approval of the protocol and all documentation exchanged between the IRB and the study director related to the review.

(f) The Director shall make the final decision regarding approval or denial of the protocol based on the information required in subsection (e), other relevant available information available to the Director. The Director shall notify the study director in writing of the decision and the basis for the decision.

(g) The Director shall establish an expiration date for the approved protocol. In no instances shall the expiration date exceed that established by the IRB. If a pesticide exposure study is not completed by the expiration date established by the Director, the study director shall not continue the pesticide exposure study until the Director has approved the renewal of the protocol in writing as required in subsection (i).

(h) Protocol Amendment. The study director shall not make an amendment to the approved protocol that may impact the health of the human participants without approval from the Director. For amendments where participant health is potentially impacted, the study director shall make the request in writing. The proposed amendment, justification, potential impact on study participants, and any measures proposed to mitigate potential impacts shall accompany the request. The Director shall forward a copy of the proposed amendment and any accompanying documentation to the Office of Environmental Health Hazard Assessment for concurrent review. The Director shall provide comments to the study director on the basis of Department of Pesticide Regulation review and any comments from the Office of Environmental Health Hazard Assessment. The study director shall make any changes deemed necessary by the Director. Upon receipt of the Director's provisional determination of acceptability, the study director shall obtain a review and approval of the proposed amendment from an IRB as required in subsection (d). The study director shall submit to the Director the protocol and all documentation exchanged between the IRB and the study director. The Director shall notify the study director of the decision and the basis for the decision.

6710. Studies on Pesticide Safety., (continued)

If approved by the Director, the pesticide exposure study shall be conducted in accordance with the approved amended protocol. In the event that the potential impact on human participants is uncertain, the study director shall consult with the Director.

(i) Renewal of Protocol. The study director shall obtain approval of renewal from an IRB as described in subsection (d) prior to requesting the Director's approval to renew the protocol. The study director shall submit, to the Director, the protocol and all documentation exchanged between the IRB and the study director regarding the renewal. After reviewing the documentation, if the Director approves the request for protocol renewal, the Director shall establish a revised expiration date. The revised expiration shall not exceed that date established in the IRB's renewal recommendation.

(j) In the event of any complications or adverse health effects identified during the conduct of the study, the study director shall take immediate action to ensure the health and safety of the human participants. The study director shall immediately notify the Director of such complications or adverse health effects and the immediate actions taken.

(k) The study director shall submit the following information to the Director by the expiration date:

(1) A statement regarding the status of the study including information as to whether the study was completed, postponed, or cancelled.

(2) A report and explanation of any complications or adverse health effects involving the human participants and what actions were taken.

(l) The Director or agricultural commissioner of the county where the study is taking place may inspect the pesticide exposure study activities to evaluate compliance with the protocol. The Director or commissioner may order the study director or human participants to cease immediately any human pesticide exposure activity conducted during the study to protect the safety of the human participants. The Director may cancel the authorization to conduct the pesticide exposure study whenever it is deemed necessary to protect participant safety, public safety, or the environment.

NOTE: Authority cited: Sections 12976 and 12981, Food and Agricultural Code.

Reference: Sections 12980, 12981, 12987 and 12988, Food and Agricultural Code.

6712. Public Agencies.

NOTE: Authority cited: Sections 407 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6714. Exemptions.

NOTE: Authority cited: Sections 407 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6716. Sunset Review of Regulations.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

Chapter 3. Pest Control Operations
Subchapter 3. Pesticide Worker Safety
Article 2. General Safety Requirements

6720. Safety of Employed Persons.

(a) The requirements of this article shall be complied with by the employer for the safety of employees handling pesticides.

(b) When only vertebrate pest control baits, solid fumigants (including aluminum phosphide, magnesium phosphide, and smoke cartridges), insect monitoring traps or non-insecticidal lures are handled, the employer is exempt from the requirements of Sections 6730 (Working Alone), 6732 (Change Area), and 6736 (Coveralls).

(c) When antimicrobial agents, used only as sanitizers, disinfectants, or medical sterilants, or pool and spa chemicals are handled, the employer is exempt from complying with the provisions of this subchapter, provided the employer instead complies with any applicable requirements in the following corresponding provisions of Title 8, California Code of Regulations. Where the word "None" appears in the Title 8 column, the employer does not have to comply with the corresponding regulations specified in the Title 3 column.

<u>Title 3, CCR</u>	<u>Title 8, CCR</u>
6700	3200 and 3202
6702	3200 and 3203
6704	None
6706	None
6710	None
6720	As indicated in this Subsection
6723	3203, 3204, and 5194
6724	3203 and 5194
6726	3400
6728	None
6730	None
6732	3367
6734	3363 and 3366
6736	3383
6738	3380 through 3385, and 5144
6740	3317
6742	5141
6744	3203 and 5194
6746	None
Article 3	None
Article 4	None
Article 5	None
Article 6	None

6720. Safety of Employed Persons., continued

(d) The provisions of sections 6734 and 6768 (Decontamination), 6726 and 6766 (Emergency Medical Care), 6736 (Coveralls), 6738(b)-(i) (Personal Protective Equipment), and 6770 (Field Reentry) do not apply to licensed agricultural pest control advisers and registered professional foresters, or employees under their direct supervision, while performing, after the application is completed, crop adviser tasks, including field-checking or scouting, making observations of the well-being of the plants, or taking samples provided:

(1) They have been trained equivalent to the requirements of section 6724 (licensed agricultural pest control advisers are considered trained for the purposes of this exception); and

(2) The licensed agricultural pest control adviser or registered professional forester responsible for the direct supervision has:

(A) Made specific determinations regarding appropriate personal protective equipment, needed decontamination facilities, and how to safely conduct crop adviser tasks;

(B) Informed each employee under his or her direct supervision of the pesticide product and active ingredient(s) applied, method and time of application, the restricted entry interval, and determinations made pursuant to (A) above; and

(C) Instructed each employee under his or her direct supervision regarding which tasks to perform and how to contact him or her if the need arises.

(e) The provisions of this Subchapter do not apply to employees handling consumer products packaged for distribution to, and use by, the general public, provided that employee use of the product is not significantly greater than the typical consumer use of the product.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 11501, 12973, 12980 and 12981, Food and Agricultural Code.

6722. Age.

NOTE: Authority cited: Sections 407 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6723. Hazard Communication for Pesticide Handlers.

(a) Before employees are allowed to handle pesticides, the employer shall display a copy of a completed written Hazard Communication Information for Employees Handling Pesticides in Agricultural Settings (Pesticide Safety Information Series leaflet A-8) or Hazard Communication Information for Employees Handling Pesticides in Noncrop Settings (Pesticide Safety Information Series leaflet N-8), as applicable, at a central location in the workplace. Upon request, the employer shall read to the requesting employee, in a language understandable to that employee, Pesticide Information Series leaflet A-8/N-8. Pesticide Information Series leaflet A-8/N-8 shall be written by the Department of Pesticide Regulation in English and Spanish. Pesticide Information Series leaflets are available from the department.

(b) The employer shall maintain, at a central location at the workplace accessible to employees who handle pesticides the following:

(1) Pesticide use records as specified in Section 6624 (b), (c), and (e) for pesticides that have been handled by his or her employees;

6723. Hazard Communication for Pesticide Handlers., continued

(2) Copies of available Pesticide Safety Information Series leaflets which are applicable to the pesticides and handling activities listed in the pesticide use records referred to in subsection (b) (1); and

(3) A Material Safety Data Sheet (MSDS), as specified by Title 8 California Code of Regulations, section 5194, for each pesticide listed in the pesticide use records referred to in subsection (b) (1). If the MSDS is not provided by the registrant of a pesticide, the employer shall:

(A) Within seven working days of a request for a MSDS from an employee, employee representative or employee's physician, make written inquiry to the registrant of the pesticide, asking that a MSDS be sent to the employer. If the employer has made written inquiry within the last twelve months as to whether the pesticide is subject to the requirement for a MSDS or the employer has made a written inquiry within the last six months requesting new, revised or later information on the MSDS, the employer need not make additional written inquiry. A copy of the written inquiry shall immediately be sent to the person requesting the MSDS;

(B) Notify the requester of the availability of the MSDS or provide a copy of the MSDS to the requester within fifteen days of receipt of the MSDS from the registrant; and

(C) If a response has not been received from the registrant within twenty-five working days of the date the inquiry was made, send the department a copy of the inquiry with a notation that no response has been received. The employer is not precluded from obtaining and providing the MSDS utilizing other more expedient methods in lieu of those provided in this subsection.

(c) The employer shall inform employees, before they are allowed to handle pesticides and at least annually thereafter, of the location and availability of the records and other documents listed in this section or relating to employee training, monitoring, and potential exposure. If the location of the records and other documents changes, an employer shall promptly inform his or her employees of the new location.

(d) The employer shall provide, upon request of his or her employee, employee representative, or employee's physician, access to any records or other documents required to be maintained pursuant to this chapter. Access shall be granted as soon as possible and not to exceed forty-eight hours from the date of the request.

INFORMATIONAL NOTE: Other requirements relating to hazard communication can be found in Sections 6602, 6618, 6619, 6724, 6726, 6738, 6744, 6764, 6766, 6770, and 6776.

NOTE: Authority cited: Section 12980, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code; and 29 Code of Federal Regulations, Part 1910.1200.

6723.1. Application-Specific Information For Handlers.

(a) The operator of property used for the commercial or research production of an agricultural plant commodity shall display, at a central location, the following application-specific information while employees are employed to handle pesticides:

- (1) Identification of the treated area;
- (2) Time and date of the application;
- (3) Restricted entry interval; and
- (4) Product name, EPA registration number, and active ingredients.

6723.1. Application-Specific Information For Handlers., continued

(b) The information shall be displayed within 24 hours of the completion of an application and include all applications that have been made to any treated field on the agricultural establishment within 1/4 mile of where employees will be working. Once displayed, the information shall remain displayed until the area no longer meets the definition of a treated field or handler employees will no longer be on the establishment, whichever occurs earlier.

(c) The original or copies of documents otherwise required to be maintained by this chapter may be used to meet the requirements of this section provided they contain the information required by this section.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 11501, 12973, 12980, and 12981, Food and Agricultural Code.

6724. Handler Training.

The employer shall assure that employees who handle pesticides have been trained pursuant to the requirements of this section and that all other provisions of this section have been complied with for employees who handle pesticides.

(a) The employer shall have a written training program. The training program shall describe the materials (e.g., study guides, pamphlets, pesticide product labeling, Pesticide Safety Information Series leaflets, Material Safety Data Sheets, slides, video tapes) and information that will be provided and used to train his or her employees and identify the person or firm that will provide the training. The training program shall address each of the subjects specified in subsection (b) that is applicable to the specific pesticide handling situation. The employer shall maintain a copy of the training program while in use and for two years after use, at a central location at the workplace.

(b) The training shall cover, for each pesticide or chemically similar group of pesticides, to be used:

- (1) Format and meaning of information, such as precautionary statements about human health hazards, contained in pesticide product labeling;
- (2) Hazards of pesticides, including acute and chronic effects, delayed effects, and sensitization, as identified in pesticide product labeling, Material Safety Data Sheets, or Pesticide Safety Information Series leaflets;
- (3) Routes by which pesticides can enter the body;
- (4) Signs and symptoms of overexposure;
- (5) Emergency first aid for pesticide overexposure;
- (6) How to obtain emergency medical care;
- (7) Routine and emergency decontamination procedures, including spill clean up and the need to thoroughly shower with soap and warm water after the exposure period;
- (8) Need for, limitations, appropriate use, and sanitation, of, any required personal protective equipment;
- (9) Prevention, recognition, and first aid for heat-related illness;
- (10) Safety requirements and procedures, including engineering controls (such as closed systems and enclosed cabs) for handling, transporting, storing, and disposing of pesticides;
- (11) Environmental concerns such as drift, runoff, and wildlife hazards;
- (12) Warnings about taking pesticides or pesticide containers home;

6724. Handler Training., continued

(13) Requirements of this chapter and chapter 4 relating to pesticide safety, Material Safety Data Sheets, and Pesticide Safety Information Series leaflets;

(14) The purposes and requirements for medical supervision if organophosphate or carbamate pesticides with the signal word "DANGER" or "WARNING" on the labeling are mixed, loaded, or applied for the commercial or research production of an agricultural plant commodity;

(15) The location of the written Hazard Communication Information For Employees Handling Pesticides (Pesticide Safety Information Series leaflet A-8), other Pesticide Safety Information Series leaflets, and Material Safety Data Sheets;

(16) The employee's rights, including the right;

(A) To personally receive information about pesticides to which he or she may be exposed;

(B) For his or her physician or employee representative to receive information about pesticides to which he or she may be exposed; and

(C) To be protected against retaliatory action due to the exercise of any of his or her rights.

(c) The training shall be in a manner the employee can understand, be conducted pursuant to the written training program, and include response to questions.

(d) Training shall be completed before the employee is allowed to handle pesticides, continually updated to cover any new pesticides that will be handled, and repeated at least annually thereafter. Initial training may be waived if the employee submits a record showing that training meeting the requirements of this section and covering the pesticides and use situations applicable to the new employment situation was received within the last year. A certified applicator is considered trained for the purposes of this section.

(e) The date and extent of initial and annually required training given to the employee and the job to be assigned shall be recorded. This record shall be verified by the employee's signature and retained by the employer for two years at a central location at the workplace accessible to employees.

(f) The person conducting the training for employees who will be handling pesticides for the commercial or research production of an agricultural plant commodity shall be qualified as one of the following:

(1) A California certified commercial applicator;

(2) A California certified private applicator;

(3) A person holding a valid County Biologist License in Pesticide Regulation or Investigation and Environmental Monitoring issued by the Department of Food and Agriculture;

(4) A farm advisor employed by the University of California Extension Office;

(5) A person who has completed an "instructor trainer" program presented by one of the following:

(A) the University of California, Integrated Pest Management Program after January 1, 1993;

or

(B) other instructor training program approved by the Director;

(6) A California licensed Agricultural Pest Control Adviser;

(7) A California Registered Professional Forester; or

(8) Other trainer qualification approved by the Director.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6726. Emergency Medical Care.

(a) Emergency medical care for employees handling pesticides shall be planned for in advance. The employer shall locate a facility where emergency medical care is available for employees who will be handling pesticides.

(b) Employees shall be informed of the name and location of a facility where emergency medical care is available. The employer shall post in a prominent place at the work site, or work vehicle if there is no designated work site, the name, address and telephone number of a facility able to provide emergency medical care whenever employees will be handling pesticides and, if the identified facility is not reasonably accessible from that work location, procedures to be followed to obtain emergency medical care.

(c) When there is reasonable grounds to suspect that an employee has a pesticide illness, or when an exposure to a pesticide has occurred that might reasonably be expected to lead to an employee's illness, the employer shall ensure that the employee is taken to a physician immediately.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6728. Medical Supervision.

(a) Whenever an employee mixes, loads, or applies a pesticide with the signal word "DANGER" or "WARNING" that contains an organophosphate or carbamate, for the commercial or research production of an agricultural plant commodity, the employer shall maintain use records that identify the employee, the name of the pesticide, and the date of use. The original or copies of documents otherwise required to be maintained by this chapter may be used to meet the requirements of this section provided they contain the information required by this section.

(b) Each employer who has an employee who regularly handles pesticides specified in (a) shall have a written agreement signed by a physician, that includes the names and addresses of both the physician providing the medical supervision and the employer responsible for the employees,

(c) stating that the physician has agreed to provide medical supervision and that the physician possesses a copy of, and is aware of the contents of the document "Medical Supervision of Pesticide Workers-Guidelines for Physicians" (available from the Department of Health Services). A copy of this agreement shall be given to the commissioner by the employer no later than when an employee begins to regularly handle pesticides specified in (a).

The employer's responsibilities for medical supervision for employees regularly handling pesticides specified in (a) shall include the following:

(1) All covered employees shall have baseline red cell and plasma cholinesterase determinations. Baseline values shall be verified every two years. For new employees, the medical supervisor may accept previously established baseline values if they are obtained in accordance with these regulations by the same laboratory methodology and are acceptable to the laboratory which will analyze the new employee's blood samples.

(2)(A) The employer shall ensure that each employee, not previously under medical supervision associated with that employer, has red cell and plasma cholinesterase determinations within three working days after the conclusion of each 30-day period in which pesticides specified in (a) are regularly handled.

6728. Medical Supervision., continued

(B) After three tests at 30-day intervals, further periodic monitoring shall be at intervals specified in writing by the medical supervisor except for verification of baseline as specified in (1).

(C) Where the medical supervisor has made no written recommendation for continued periodic monitoring, the testing interval shall be 60 days.

(3) The employer shall keep a record of the agreement to provide medical supervision, use records, all recommendations received from the medical supervisor, and all results of cholinesterase tests required to be made on his/her employees by this section or by the medical supervisor. Records required by this section shall be maintained for three years and shall be available for inspection by the employee, the Director, commissioner, county health official, or state health official.

(4) The employer shall follow the recommendations of the medical supervisor concerning matters of occupational health.

(5) The employer shall post the name, address, and telephone number of the medical supervisor in a prominent place at the locale where the employee usually starts the workday; or if there is no locale where the employee usually starts the workday, at each worksite; or in each work vehicle.

(d) The employer shall investigate the work practices of any employee whose red cell or plasma cholinesterase levels fall below 80 percent of the baseline. The investigation of work practices shall include a review of the safety equipment used and its condition; and the employee's work practices which included employee sanitation, pesticide handling procedures, and equipment usage. The employer shall maintain a written record of the findings, any changes in equipment or procedures, and any recommendations made to the employee.

(e) The employer shall remove an employee from exposure to organophosphate or carbamate pesticides if the employee's plasma cholinesterase level falls to 60 percent or less of baseline, or if red cell cholinesterase falls to 70 percent or less of baseline. The employee shall be removed from further exposure until cholinesterase values return to 80 percent or more of their respective baseline values. The employer shall maintain written records of the dates of removal and the dates when employees are returned to exposure.

(f) To meet the requirements of these regulations, acetylcholinesterase (also known as red blood cell cholinesterase) and butyrylcholinesterase (also known as plasma or serum cholinesterase or pseudocholinesterase) tests ordered by a medical supervisor for occupational health surveillance shall be performed by a clinical laboratory currently approved by the State Department of Health Services to perform these tests. By January 1, 2000, tests shall be performed according to the procedures outlined below. If tests cannot be performed according to the following procedures, the conversion procedure outlined in 6728 (f)(8) shall be performed.

(1) Using personnel and procedures acceptable to the Department of Health Services (Business and Professions Code sections 1242,1243,1246,1269,2070; Health and Safety Code sections 120580, 1607), blood collection and storage shall be done according to the following conditions:

(A) Blood samples shall be kept in ice or at a temperature of 4° C until time of assay. If the sample is centrifuged to remove the erythrocytes from the plasma, the plasma shall be stored frozen at a temperature of = minus 20°C until the assay is performed. If possible, the assay shall be performed within 24 hours after blood collection. Time of sample collection, analysis, and storage conditions shall be specified on the report.

(B) Ethylenediaminetetraacetic acid (EDTA) or heparin shall be used as an anticoagulant in a standard vacutainer tube.

6728. Medical Supervision., continued

- (2) The reagents and equipment shall conform to the following conditions:
- (A) A spectrophotometer at a wavelength between 405 and 425 nanometers shall be used.
 - (B) The assay shall be performed at a temperature of 25° C.
 - (C) The following conditions regarding the buffer/chromogen shall apply:
 - 1. A sodium phosphate buffer shall be used at a concentration of 0.1 M adjusted to a pH of 8.0 with a pH meter calibrated at both 7.0 and 10.0.
 - 2. Dithiobisnitrobenzoic acid (DTNB) at a stock concentration of 9.7 mM in 0.1 M sodium phosphate buffer pH 7.0 shall be used.
 - (D) The substrate acetylthiocholine iodide shall be used at a stock concentration of 10.1 mM in 0.1 M sodium phosphate buffer pH 8.0.
 - (E) The butyrylcholinesterase inhibitor quinidine hydrochloride monohydrate shall be used at a stock concentration of 6 mM in distilled deionized water.
- (3) The acetylcholinesterase enzyme assay shall be performed within 15 minutes of preparation and the procedure for performing the assay shall be as follows:
- (A) Measure 0.2 mL whole blood and add into a 1.8 mL solution of deionized distilled water; mix thoroughly and keep the solution on ice.
 - (B) To 2.5 mL of the sodium phosphate buffer, add 0.02 mL of the blood solution, 0.1 mL of DTNB (0.32 mM final concentration) and 0.1 mL of quinidine (0.2 mM final concentration); mix thoroughly and allow to sit for 5 minutes.
 - (C) Add 0.3 mL acetylthiocholine iodide (1.0 mM final concentration) into the buffer/sample solution and mix thoroughly.
 - (D) Measure absorbance over the linear portion of the enzyme activity curve in the spectrophotometer.
- (4) The procedure for performing butyrylcholinesterase enzyme assay determination shall be as follows:
- (A) Physical separation of plasma or serum shall be performed.
 - (B) If samples are frozen, they shall be thawed at room temperature to assure homogeneity of the sample.
 - (C) To 2.6 mL of the sodium phosphate buffer, add 0.02 mL of the plasma or serum and 0.1 mL of DTNB (0.32 mM final concentration), mix thoroughly and allow to sit for 5 minutes.
 - (D) Add 0.3 mL acetylthiocholine iodide (1.0 mM final concentration) into the buffer/sample solution and mix thoroughly.
 - (E) Measure absorbance over the linear portion of the enzyme activity curve in the spectrophotometer.
- (5) A Buffer Blank containing 2.6 mL of sodium phosphate buffer, 0.3 mL of acetylthiocholine (1.0 mM final concentration), and 0.1 mL of DTNB (0.32 mM final concentration) and 0.02 mL of distilled deionized water shall be run with every batch of assays.
- (6) Reporting units shall be in International Units per milliliter of sample (IU/mL).
- (7) Baseline and follow up assays specified in 6728 (c)(2)(A) shall be conducted by the same laboratory method.
- (8) If an assay different from that described above is used, the method shall be shown comparable with the foregoing conditions and a conversion equation prepared.
- Results shall be reported in International Units per mL on both the original and the converted scale. The conditions to establish comparability shall be as described below.

6728. Medical Supervision., continued

(A) Using personnel and procedures acceptable to the Department of Health Services (Business and Professions Code sections 1242,1243,1246,1269,2070; Health and Safety Code sections 120580, 1607), blood samples shall be collected from at least ten subjects.

(B) Blood from each subject shall be tested by serial dilution as specified in "Comparison of Acetylcholinesterase Assays Run under Conditions Specified by the Standard Ellman Method and Conditions Specified by a Commercial Cholinesterase Reagent Kit." HS-1752, July 30, 1998, Department of Pesticide Regulation, Worker Health and Safety Branch.

(C) Test dilutions shall be made at 100% and 50% of enzyme activity.

(D) Triplicate samples shall be run by both the reference and the alternative methods.

(E) Pearson product-moment correlation coefficient squared (r^2) shall be at least 0.9 between results of the alternative and reference methods.

Note: Authority cited: section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6730. Working Alone.

(a) An employee mixing, loading, or applying a pesticide in toxicity category one for production of an agricultural commodity may not work alone during daylight hours unless personal, radio, or telephone contact is made to a responsible adult at intervals not exceeding two hours.

(b) An employee mixing, loading, or applying a pesticide in toxicity category one for production of an agricultural commodity may not work alone during nighttime hours unless personal, radio, or telephone contact is made to a responsible adult at intervals not exceeding one hour.

(c) A pilot, mixer-loader, and/or flagger team shall be considered as working together. In the case of two ground applicators working in the same field, no additional person is necessary if they can see each other or each other's application vehicles.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6732. Change Area.

For any employee who regularly handles pesticides with the signal word "DANGER" or "WARNING", and for all employees who handle any pesticides for the commercial or research production of an agricultural plant commodity, the employer shall assure that there is, at the place where employees end their exposure period and remove their personal protective equipment, an area where employees may change clothes and wash themselves. Clean towels, soap, and sufficient water shall be available to allow for thorough washing. The employer shall provide a clean, pesticide-free place where employees may store any personal clothing not in use while at work handling pesticides.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6734. Handler Decontamination Facilities.

(a) The employer shall assure that sufficient water, soap and single use towels for routine washing of hands and face and for emergency eye flushing and washing of the entire body are available for employees as specified in this section.

(1) This water shall be of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed, and shall be stored separate from that used for mixing with pesticides unless the tank holding water for mixing with pesticides is equipped with appropriate valves to prevent back flow of pesticides into the water.

(2) One clean change of coveralls shall be available at each decontamination site.

(b) The decontamination site for employees handling pesticides for the commercial or research production of an agricultural plant commodity shall be at the mixing/loading site and not more than 1/4 mile (or at the nearest point of vehicular access) from other handlers, except that the decontamination site for pilots may be at the loading site regardless of distance from where the pilot is working. The decontamination site shall not be in an area being treated or under a restricted entry interval unless:

(1) The handlers for whom the site is provided are working in that area being treated or under a restricted entry interval;

(2) The soap, towels, and extra change of coveralls are in an enclosed container; and

(3) The water is running tap water or enclosed in a container.

(c) One pint of water for emergency eye flushing shall be immediately available (carried by the handler or on the vehicle or aircraft the handler is using) to each employee handling pesticides for the commercial or research production of an agricultural plant commodity if the pesticide product labeling requires protective eyewear.

(d) The decontamination site for employees handling pesticides for uses other than the commercial or research production of an agricultural plant commodity shall be within 100 feet of the mixing/loading site when they are handling pesticides with the signal word "DANGER" or "WARNING" on the label.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6736. Coveralls.

(a) The employer shall provide coveralls for each employee who handles any pesticide with the signal word "DANGER" or "WARNING" on the label except as provided in 6738(i).

(b) The employer shall assure that:

(1) Employees start each work day wearing coveralls whenever they handle pesticides with the signal word "DANGER" or "WARNING";

(2) Employees wear coveralls whenever they handle pesticides with the signal word "DANGER" or "WARNING" except as provided in 6738(i);

(3) Employees change out of their coveralls and wash at the end of the work day;

(4) Potentially contaminated coveralls removed at the worksite or headquarters are not taken home by employees; and

(5) Employees whose work day does not involve return to the employer's headquarters, remove and store potentially contaminated coveralls in a sealable container outside of their own living quarters for later return to the employer.

6736. Coveralls., continued

(c) This section does not apply to employees using fumigants unless the pesticide product labeling expressly requires the use of coveralls.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6738. Personal Protective Equipment.

(a) The employer shall:

(1) Provide all required personal protective equipment, provide for its daily inspection and cleaning (according to pesticide labeling instructions or, absent any instructions, washed in detergent and hot water), and repair or replace any worn, damaged, or heavily contaminated personal protective equipment. Leather gloves previously used to apply only aluminum phosphide or magnesium phosphide pesticides and which have been aerated for 12 hours or more shall be considered cleaned;

(2) Assure that all clean personal protective equipment, when not in use, is kept separate from personal clothing and in a pesticide free, specifically designated place;

(3) Assure that appropriate measures are taken to prevent heat related illness when necessary;

(4) Assure that personal protective equipment is used correctly for its intended purpose;

(5) Discard any absorbent materials that have been drenched or heavily contaminated with a pesticide with the signal word "DANGER" or "WARNING";

(6) Keep and wash potentially contaminated personal protective equipment separately from other clothing or laundry;

(7) Assure that all clean personal protective equipment is either dried thoroughly before being stored or is put in a well ventilated place to dry;

(8) Assure that personal protective equipment remains the property of the employer and that pesticide handlers are not allowed or directed to take potentially contaminated personal protective equipment into their homes;

(9) Assure that any person or firm assigned or hired to clean or repair potentially contaminated personal protective equipment is protected and informed in accordance with the requirements of section 6744 (Equipment Maintenance).

(b) The employer shall assure that:

(1) Employees wear protective eyewear when required by pesticide product labeling (except as expressly provided in this section) or when employees are engaged in:

(A) Mixing or loading, except as provided in 6738(i);

(B) Adjusting, cleaning, or repairing mixing, loading, or application equipment that contains pesticide in hoppers, tanks, or lines;

(C) Application by hand or using hand held equipment, except when:

1. Applying vertebrate pest control baits that are placed without being propelled from application equipment;

2. Applying solid fumigants (including aluminum phosphide, magnesium phosphide, and smoke cartridges) to vertebrate burrows;

3. Baiting insect monitoring traps; or

4. Applying non-insecticidal lures.

(D) Ground application using vehicle mounted or towed equipment, except when:

6738. Personal Protective Equipment., continued

1. Injecting or incorporating pesticides into soil;
 2. Spray nozzles are located below the employee and the nozzles are directed downward; or
 3. Working in an enclosed cab; or
- (E) Flagging, except when the flagger is in an enclosed cab.
- (2) Whenever protective eyewear is required, one of the following types of eyewear is worn:
- (A) Safety glasses that provide front, and supplemental brow and temple protection (Common eyeglasses, including sunglasses, do not meet this requirement);
- (B) Goggles;
- (C) Face Shield;
- (D) Full face mask used in conjunction with respiratory protection; or
- (E) Visor (for aircraft operation only)
- (c) The employer shall assure that:
- (1) Gloves are worn when required by the pesticide product labeling (except as expressly provided in this section) or (unless the pesticide product labeling specifies that gloves must not be worn), when employees are engaged in:
- (A) Mixing or loading, except as provided in 6738(i);
- (B) Adjusting, cleaning or repairing contaminated mixing, loading, or application equipment; and
- (C) Application by hand or using hand-held equipment, except when applying vertebrate pest control baits using long handled implements that avoid actual hand contact with the bait or potentially contaminated areas of equipment.
- (2) If a specific type of glove is not specified on product labeling for the pesticide being handled, gloves made of rubber, neoprene, or other chemical resistant material that provides equivalent or better protection are used. Gloves or glove linings of leather, cotton, or other absorbent materials shall not be worn unless expressly permitted by pesticide product labeling. If chemical resistant gloves with sufficient durability and suppleness are not available, leather gloves may be worn over chemical resistant glove liners. Once leather gloves have been used for this purpose, they shall not be worn in any other situation.
- (d) The employer shall assure that:
- (1) When chemical resistant footwear is specified by the pesticide product labeling, one of the following types of footwear is worn:
- (A) Chemical resistant shoes;
- (B) Chemical resistant boots; or,
- (C) Chemical resistant coverings worn over boots or shoes.
- (2) For aircraft operation, chemical resistant footwear need not be worn.
- (e) The employer shall assure that when chemical resistant headgear is specified by the pesticide product labeling, either a chemical resistant hood or a chemical resistant hat with a wide brim is worn. For aircraft operation, a helmet may be substituted for chemical resistant headgear.
- (f) The employer shall assure that when a chemical resistant apron is specified by the pesticide product labeling, a garment that covers the front of the body from mid-chest to the knees is worn.
- (g) The employer shall assure that:
- (1) When pesticide product labeling or regulations specify a chemical resistant suit, waterproof or impervious pants and coat or a rain suit, a chemical resistant suit that covers the torso, head, arms, and legs is worn.

6738. Personal Protective Equipment., continued

(2) If the ambient temperature exceeds 80°F during daylight hours or 85°F during nighttime hours (sunset to sunrise) pesticides requiring a chemical resistant suit are not handled by employees unless they are handled pursuant to exceptions and substitutions permitted in (i) or employees use cooled chemical resistant suits or other control methods to maintain an effective working environment at or below 80°F during daylight hours or 85°F during nighttime hours (sunset to sunrise).

(h) The employer shall assure that:

(1) Employees use approved respiratory protective equipment when pesticide product labeling or regulations require respiratory protection or when respiratory protection is needed to maintain employee exposure below an applicable exposure standard found in Title 8, California Code of Regulations, Section 5155.

(2) Respiratory protection required by these regulations or labeling is currently approved by the National Institute for Occupational Safety and Health (NIOSH) and/or the Mine Safety and Health Administration (MSHA) for the specific chemical and exposure condition. Proper selection of respirators shall be made following pesticide product labeling, or absent specific instruction, according to the guidance of National Standard Practices for Respiratory Protection: Z88.2-1980, or the American National Standard Practices of Respiratory Protection During Fumigation: Z88.3-1983.

(3) Written operating procedures for selecting, fitting, cleaning and sanitizing, inspecting and maintaining respiratory protective equipment are adopted.

(4) Employees with facial hair that prevents an adequate seal are not assigned work requiring them to wear a respirator unless they are provided a respirator that does not rely on a face-to face piece seal for proper operation.

(5) Respirators maintained for stand-by or emergency use are inspected monthly or before use if occasions for possible use are more than one month apart. A record of the most recent inspection shall be maintained on the respirator or its storage container.

(6)(A) Employees are informed, prior to beginning work, that certain medical conditions may interfere with wearing a respirator while engaged in potential pesticide exposure situations. A statement in substantially the following form shall be on file for each employee assigned to work that requires wearing a respirator.

To the best of my knowledge, I have____, have no____ medical conditions which would interfere with wearing a respirator while engaged in potential pesticide exposure situations. I understand that heart disease, high blood pressure, lung disease or presence of a perforated ear drum are examples of conditions that require specific medical evaluation by a physician before safe use of a respirator can be determined.

Name

Date

(B) If an employee checks that he or she has such a condition, a physician's report of evaluation and approval for respirator use is on file before work requiring respirator use is allowed. The following or substantially similar statement from a physician is acceptable.

On_____, I examined_____.
Date Patient name

6738. Personal Protective Equipment., continued

At this time there is no medical contraindication to the employee named above wearing a respirator to allow working in potential pesticide exposure environments. (Other comments)

Physician	Date
<p>(7) Compressed air used in Self Contained Breathing Apparatus (SCBA) or for air-line type respirators meets or exceeds the requirements for Grade D breathing air as described in the Compressed Gas Association Commodity Specification G-7.1 (ANSI Z86.1-1973).</p> <p>(8) When air purifying-type respirators are required for protection against pesticides, the air purifying elements or entire respirator, if disposable, are replaced according to pesticide product labeling directions or respiratory equipment manufacturer recommendations, whichever provides for the most frequent replacement, or, absent any other instructions on service life, at the end of each day's work period. At the first indication of odor, taste, or irritation, the wearer leaves the area and checks the respirator for fit or function concerns or air purifying element replacement.</p> <p>(i) The following exceptions and substitutions to personal protective equipment required by pesticide product labeling or regulations are permitted:</p> <p>(1) Persons using a closed system to handle pesticide products with the signal word "DANGER" or "WARNING" may substitute coveralls, chemical resistant gloves, and a chemical resistant apron for personal protective equipment required by pesticide product labeling;</p> <p>(2) Persons using a closed system to handle pesticide products with the signal word "CAUTION" may substitute work clothing for personal protective equipment required by pesticide product labeling;</p> <p>(3) Persons using a closed system that operates under positive pressure shall wear protective eyewear in addition to the personal protective equipment listed in (1) or (2). Persons using any closed system shall have all personal protective equipment required by pesticide product labeling immediately available for use in an emergency;</p> <p>(4) Persons properly mixing pesticides packaged in water soluble packets are considered to be using a closed (mixing) system for the purposes of this subsection;</p> <p>(5) Persons occupying an enclosed cab (including cockpit) may substitute work clothing for personal protective equipment required by pesticide product labeling. If respiratory protection is required it must be worn, except in an enclosed cockpit;</p> <p>(6) Persons occupying an enclosed cab acceptable for respiratory protection may substitute work clothing for personal protective equipment required by pesticide product labeling;</p> <p>(7) Persons working in an enclosed cab, as specified in (5) and (6), other than an aircraft, shall have all personal protective equipment required by pesticide product labeling immediately available and stored in a chemical resistant container, such as a plastic bag. Labeling-required personal protective equipment shall be worn if it is necessary to work outside the cab and contact pesticide treated surfaces in the treated area. Once personal protective equipment is worn in the treated area, it shall be removed and stored in a chemical resistant container, such as a plastic bag, before reentering the cab;</p> <p>(8) A chemical resistant suit may be substituted for coveralls and/or a chemical resistant apron; and</p>	

6738. Personal Protective Equipment., continued

(9) Pest control aircraft pilots are not required to wear gloves during operation but gloves shall be worn by any person entering or exiting an aircraft contaminated with pesticide residues. While in the cockpit, gloves shall be carried in a chemical resistant container, such as a plastic bag.

INFORMATIONAL NOTE FOR Section 6738(e): ANSI Z86.1 specifies in summary: Oxygen 19.5 to 23.5%, Hydrocarbons less than 5 mg/m³ at normal temperature and pressure, Carbon Monoxide less than 20 ppm, no pronounced odor, Carbon Dioxide less than 1000 ppm.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6740. Adequate Light.

Whenever natural light in a mixing/loading area is not adequate to allow an employee to read the label and work in a safe manner, artificial light shall be provided in such areas that is sufficient to perform these activities.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6742. Safe Equipment.

(a) The employer shall assure that equipment used for mixing, loading, transferring, or applying pesticides is inspected before each day of use and equipment with any safety defect is repaired or altered to remove the hazard before further use.

(b)(1) All openings on tanks used for mixing or applying pesticides shall be equipped with covers that will prevent splashes and spills.

(2) Flexible hoses carrying liquid pesticides in toxicity categories one or two under pressure shall not pass unshielded through the cockpit of an airplane or helicopter.

(3) Shut-off devices shall be installed on the exit end of all hoses carrying liquid pesticides in toxicity categories one or two from mixing tanks that are adequate to prevent splashes onto the employee doing the loading when filling operations are stopped and the filler hose is removed from the inlet to the tank of the application vehicle. As an alternative, a reversing action pump, or similar system, may be used that will empty the hose and eliminate dripping of liquid from the end of the hose when the filling operation is stopped.

(4) Each tank, with a capacity of more than 49 gallons, that is used to mix or apply any liquid mixture derived from a pesticide in toxicity categories one or two, shall have either:

(A) a properly functioning means to indicate externally the internal liquid level in the tank such as a sight gauge; or

(B) the tank or the filler hose nozzle shall have a device that will automatically stop the filling operation before the pesticide liquid mixture spills over the top.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6744. Equipment Maintenance.

Persons who own or operate pesticide mixing, loading, or application equipment shall inform each employee under their control who may be involved in the cleaning, servicing or repair of that equipment of the hazards of the pesticides that a person may encounter, and the methods of protecting against personal injury. If such cleaning, servicing or repairing is to be performed by persons not under the control of the owner or operator of the equipment, he/she shall so notify the person in charge of performing these services. Employees who clean, service, or repair mixing and application equipment shall be provided with any necessary protective equipment or clothing by their employer, and shall be instructed and supervised in the maintenance operation in a manner that will reduce work hazards.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6746. Closed Systems.

(a) Employers shall provide closed systems for employees who mix or load liquid pesticides in toxicity category one, or load diluted liquid mixes derived from dry pesticides in toxicity category one, for the production of an agricultural commodity. No employee shall be permitted to transfer, mix, or load these pesticides except through a closed system. The system's design and construction shall meet the director's closed-system criteria.

(b) The requirements of this section do not apply to:

- (1) Employees who handle a total of one gallon or less of pesticides in toxicity category one per day exclusively in original containers of one gallon or less; or
- (2) Regulatory personnel collecting samples of pesticides according to official sampling procedures.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

Chapter 3. Pest Control Operations
Subchapter 3. Pesticide Worker Safety
Article 3. Field Worker Safety

6760. Employer Responsibility and Exceptions.

(a) Employers shall comply with the requirements of this article to protect employees who may enter treated fields.

(b) If only granular baits or attractants or repellents in traps have been applied in a field, the employer is exempt from the requirements of Sections 6762 (Field Work During Application), 6764 (Fieldworker Training), 6766(a) and (b) (Emergency Medical Care), 6768 (Decontamination Facilities), 6770 (Entry After Pesticide Application), 6771 (Requirements for Early Entry Fieldworkers), 6772 (Restricted Entry Intervals), 6774 (Restricted Entry Interval Adjustments), and 6776 (Field Posting).

(c) Pesticide applications for areawide public pest control programs sponsored by governmental agencies, such as for fruit fly eradication, and those made by vector control agencies operating under cooperative agreements with the State Department of Health Services pursuant to Section 116180 of the Health and Safety Code, and contractors of those agencies, are exempt from the requirements of this article.

(d) If only algacides have been used to treat the irrigation system, the employer is exempt from the requirements of Sections 6762 (Field Work During Application), 6764 (Fieldworker Training), 6766(a) and (b) (Emergency Medical Care), 6768 (Decontamination Facilities), 6770 (Field Entry After Pesticide Application), 6771 (Requirements for Early Entry Fieldworkers), 6772 (Restricted Entry Intervals), 6774 (Restricted Entry Interval Adjustments), and 6776 (Field Posting).

(e) If pesticides have been applied only by injection directly into plants the employer is exempt from the requirements of this article. Direct injection does not include "hack and squirt" methods.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6761. Hazard Communication for Field Workers.

(a) Whenever employees are working as field workers in a treated field, the employer shall display at the worksite, a copy of a completed written Hazard Communication Information for Employees Working in Fields (Pesticide Safety Information Series leaflet A-9). In the event that fieldworkers gather at a central location prior to transportation to the worksite, the Pesticide Safety Information Series leaflet A-9 may instead be displayed at that central location. Pesticide Safety Information Series leaflet A-9 shall be written by the department in English and Spanish. Upon request, the employer shall read to the requesting employee, in a language understandable to that employee, Pesticide Safety Information Series leaflet A-9. Pesticide Safety Information Series leaflets are available from the Department.

(b) The operator of the property shall maintain in a central location at the workplace accessible to employees, including the employees of labor contractors, who enter a treated field, the following:

6761. Hazard Communication for Field Workers., continued

(1) Pesticide use records specified in Section 6624(b), (c), (d) and (e) for pesticides that have been applied to the field within the last two years;

(2) A Material Safety Data Sheet (MSDS), as specified in Title 8, California Code of Regulations, section 5194, for each pesticide listed in the pesticide use records referred to in subsection (b)(1). If the MSDS is not provided by the registrant of a pesticide, the operator of the property shall:

(A) Within seven working days of a request for a MSDS from an employee, employee representative or employee's physician, make written inquiry to the registrant of the pesticide, asking that a MSDS be sent to the operator of the property. If the operator of the property has made a written inquiry within the last twelve months as to whether the pesticide is subject to the requirement for a MSDS or the operator of the property has made a written inquiry within the last six months requesting new, revised or later information on the MSDS, the operator of the property need not make additional written inquiry. A copy of the written inquiry shall immediately be sent to the person requesting the MSDS;

(B) Notify the requester of the availability of the MSDS or provide a copy of the MSDS to the requester within fifteen days of receipt of the MSDS from the registrant; and

(C) If a response has not been received from the registrant within twenty-five working days of the date the inquiry was made, send the department a copy of the inquiry with a notation that no response has been received. The operator of the property is not precluded from obtaining and providing the MSDS utilizing other more expedient methods in lieu of those provided in this subsection.

(c) The operator of the property shall inform his or her employees, before they are allowed to enter a treated field, of the location and availability of any records and other documents required by subsections (a) and (b). If the employees are employed by a labor contractor, the operator of the property shall inform the labor contractor of the location or changed location, of the records and other documents. The labor contractor shall provide that information to his or her employees. If the location of the records and other documents changes, the operator of the property and the labor contractor shall promptly inform his or her employees of the new location. The employer, including the labor contractor, shall also inform their employees that they, their physicians and their representatives have a right of access to the information and that the employees are protected against discharge or other discrimination due to the exercise of their rights under this section.

(d) The operator of the property shall provide, upon request of his or her employee, an employee of a labor contractor, employee representative, or an employee's physician, access to any records, documents and information required to be maintained by this chapter. Access shall be granted as soon as possible and not to exceed forty-eight hours from the date of the request.

INFORMATIONAL NOTE: Other requirements relating to hazard communication can be found in Sections 6602, 6618, 6619, 6724, 6726, 6738, 6744, 6764, 6766, 6770, and 6776.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code; and 29 Code of Federal Regulations, Part 1910.1200.

6761.1. Application-Specific Information for Fieldworkers.

(a) The operator of property used for the commercial or research production of an agricultural plant commodity shall display at a central location the following application-specific information, while employees are employed to work in fields:

- (1) Identification of the treated area;
- (2) Time and date of the application;
- (3) Restricted entry interval; and
- (4) Product name, EPA registration number, and active ingredients.

(b) The information shall be displayed within 24 hours of the completion of an application and include all applications that have been made to any treated field on the agricultural establishment within 1/4 mile of where employees will be working. The information shall remain displayed until the area no longer meets the definition of a treated field or fieldworker employees will no longer be on the establishment, whichever occurs earlier.

(c) The original or copies of documents otherwise required to be maintained by this chapter may be used to meet the requirements of this section, provided they contain the information required by this section.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 11501, 12973, 12980, and 12981, Food and Agricultural Code.

6762. Field Work During Pesticide Application.

(a) The requirements of this section are minimum requirements established by the U. S. Environmental Protection Agency and do not assure compliance with the general standard in section 6614.

(b) No employer shall direct or allow any person, other than the persons making the application, to enter or remain in a treated area of a farm or forest during the application.

(c) No employer shall direct or allow any person, other than the persons making the application, to enter or remain in treated nurseries or greenhouses, as specified below.

(1) If the pesticide is applied in a nursery:

(A) By aircraft, in an upward direction, or at a pressure of more than 150 pounds per square inch, or is applied as a fumigant, smoke, fog, or aerosol, the prohibited area is the treatment site plus 100 feet in all directions within the confines of the property.

(B) If the pesticide is applied downward from a height greater than 12 inches from the soil or other planting medium, as a fine spray, or using a pressure of more than 40 pounds per square inch, but not more than 150 pounds per square inch, or which requires respiratory protection on the product labeling, the prohibited area is the treatment site plus 25 feet in all directions within the confines of the property.

(2) If the pesticide is applied in a greenhouse:

(A) As a space treatment (fumigant, smoke, fog, aerosol or mist) or is a pesticide for which the product labeling requires respiratory protection, the prohibited area, until ventilation criteria have been met, is the entire enclosed area plus any adjacent area that is not sealed (sufficient to prevent pesticide transfer) from the treatment site.

(B) As a spray from a height greater than 12 inches from the soil or other planting medium, as a fine spray, or using a pressure of more than 40 pounds per square inch, the prohibited area is the treatment site plus 25 feet in all directions within the enclosed area.

(3) Otherwise, in both nurseries and greenhouses, the prohibited area is the treatment site.

6762. Field Work During Pesticide Application., continued

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6764. Fieldworker Training.

(a) The employer shall assure that each employee assigned to work in a treated field has been trained within the last 5 years, in a manner the employee understands, before beginning work in the treated field.

(b) The training shall include the following information:

(1) Importance of routine decontamination and washing thoroughly after the exposure period;

(2) Restricted entry intervals and what posting means, including both California and federal field posting sign formats;

(3) Where pesticides are encountered, including treated surfaces in the field, residues on clothing, chemigation and drift;

(4) Routes of exposure;

(5) The hazards of pesticides, including acute effects, chronic and delayed effects, and sensitization effects;

(6) Common signs and symptoms of overexposure;

(7) First aid including decontamination, eye flushing, and obtaining emergency medical care;

(8) Warnings about taking pesticides or pesticide containers home;

(9) The hazard communication program requirements of section 6761; and

(10) Employee rights, including the right;

(A) To personally receive information about pesticides to which he or she may be exposed;

(B) For his or her physician or employee representative to receive information about pesticides to which he or she may be exposed; and

(C) To be protected against retaliatory action due to the exercise of any of his or her rights.

(c) An employee who holds a valid personal pesticide license or certificate issued by the department, a valid verification of training card issued under the authority of the U. S. Environmental Protection Agency, current documented pesticide handler training pursuant to section 6724, or other valid certificate of pesticide training approved by the director is considered to be trained for the purposes of this section.

(d) The information shall be presented in a manner the employee can understand, orally from written materials or audio visually, using nontechnical terms. The trainer shall respond to employee questions.

(e) The person conducting the training shall be qualified as one of the following:

(1) A California certified applicator;

(2) A person holding any other valid license or certificate of personal pesticide qualification issued by the department;

(3) A person who has completed an "instructor training" program presented by one of the following:

(A) The University of California, Integrated Pest Management Program, after January 1, 1993;

(B) Other instructor training program approved by the director.

(4) A California Registered Professional Forester;

(5) A person holding a valid County Biologist License in Pesticide Regulation or Investigation and Environmental Monitoring issued by the California Department of Food and Agriculture;

6764. Fieldworker Training., continued

- (6) A farm adviser employed by the University of California Extension Office; or
- (7) Other valid trainer qualification approved by the director.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6766. Emergency Medical Care.

(a) Emergency medical care for employees who enter fields that have been treated with pesticides shall be planned for in advance. The employer shall locate a facility where emergency care is available for employees who will be working in treated fields.

(b) The employees, or their supervisor in the field, shall be informed of the name and location of a physician or medical facility where emergency medical care is available, and if the identified facility is not reasonably accessible from that work location, the procedures to be followed to obtain emergency medical care.

(c) When there are reasonable grounds to suspect that an employee has a pesticide illness, or when an exposure to a pesticide has occurred that might reasonably be expected to lead to an employee's illness, the employer shall ensure that the employee is taken to a physician immediately.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6768. Fieldworker Decontamination Facilities.

(a) The employer shall assure that sufficient water (of a quality and temperature that will not cause illness or injury when it contacts the skin or eyes or if it is swallowed), soap, and single use towels for washing of hands and face and for emergency eye flushing are reasonably accessible to all fieldworkers engaged in activities involving contact with treated surfaces in treated fields. The decontamination facilities shall be not more than 1/4 mile from the fieldworkers (or at the nearest point of vehicular access). Handwashing facilities provided in conjunction with toilet facilities pursuant to Title 8 California Code of Regulations, section 3457 (Field Sanitation), shall be considered adequate for the purposes of this section.

(b) The decontamination facilities shall not be in an area under a restricted entry interval unless the fieldworkers for whom the site is provided are performing early entry activities. The facilities shall not be in an area under treatment.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6769. Greenhouse Ventilation Criteria.

When a pesticide with product labeling requiring respiratory protection for application is applied by any method, or when any pesticide is applied as a fumigant, smoke, mist, fog, or aerosol inside a greenhouse, ventilation shall continue until:

- (a) The concentration is measured and found not to exceed any pesticide product labeling standard; or

6769. Greenhouse Ventilation Criteria., continued

- (a) One of the following has occurred if there is no labeling standard:
 - (1) Ten air exchanges are complete;
 - (2) Two hours of mechanical ventilation, such as with fans;
 - (3) Four hours of passive ventilation, such as opening vents, windows, or doors;
 - (4) Twenty-four hours with no ventilation; or
 - (5) Any combination of percentage portions of (1), (2), (3), and (4) the sum of which equals 100%.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6770. Field Reentry After Pesticide Application.

(a) The employer shall not allow or direct any employee to enter or remain in a treated field before the restricted entry interval stated on pesticide product labeling or listed in section 6772 has expired except as provided in this section or otherwise expressly authorized by the director pursuant to Title 40 Code of Federal Regulations, Part 170.112 (d) or (e).

(b) Employees may enter a treated field during a restricted entry interval to conduct pesticide handling activities, including soil incorporation (mechanical or watered-in), provided they are wearing the personal protective equipment specified on the pesticide product labeling for handling activities.

(c) An employee may enter a treated field during a restricted entry interval when there will be no contact with anything that has been treated, including soil, water, air, equipment, or plant surfaces, provided that inhalation exposure does not exceed any pesticide product labeling standard or, for greenhouses, the ventilation criteria in section 6769 have been met. Operating tractors or other equipment from inside an enclosed cab or when shields or other control methods, such as operator placement, physically prevent contact of the employee with anything that has been treated is considered to be a "no contact" activity for the purposes of this section.

(d) An employee may enter a treated field during a restricted entry interval specified on pesticide product labeling to conduct limited contact activities (including limited contact irrigation) that are necessary and unforeseen, provided that:

- (1) The restricted entry interval is not for a pesticide product with the requirement on the labeling for both oral notification of workers and the posting of treated fields (double notification);
- (2) At least four hours have elapsed since the end of the application;
- (3) Inhalation exposure does not exceed the applicable pesticide product labeling standard or the ventilation criteria in section 6769 have been met;
- (4) Exposure is minimal and limited to the feet, legs (below the knees), hands, and forearms (below the elbows);
- (5) The personal protective equipment specified on pesticide product labeling for early entry or the optional personal protective equipment of coveralls, socks, chemical resistant footwear, chemical resistant gloves, and protective eyewear (if required by the pesticide product labeling) is utilized;
- (6) The time in treated fields under a restricted entry interval does not exceed eight hours in any 24-hour period for each employee entering under this exception; and

6770. Field Reentry After Pesticide Application., continued

(7) The employees are informed that this exception is being used and about the provisions of (2), (3), and (6) orally or by posting notice.

(8) This exception may not be used if the supporting exception granted by the U.S. EPA is not in effect.

(e) An employee may enter a treated field during a restricted entry interval specified on pesticide product labeling to conduct other activities, not included in (b), (c), and (d) that do not involve hand labor provided that:

(1) At least four hours have elapsed since the end of the application;

(2) Inhalation exposure does not exceed any pesticide product labeling standard or the ventilation criteria in section 6769 have been met;

(3) The personal protective equipment specified on pesticide product labeling for early entry is used; and

(4) Entry does not exceed one hour in any 24-hour period for any employee.

(f) An employee may enter a treated field after the expiration of the restricted entry interval specified on pesticide product labeling and while a restricted entry interval specified in section 6772 is in effect as provided below:

(1) To conduct activities, other than hand labor, provided that employees are wearing work clothing with long sleeves and legs, shoes with socks, and gloves.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6771. Requirements for Early Entry Fieldworkers.

(a) The employer shall assure that early entry fieldworkers are informed of pesticide product labeling requirements related to human hazards or precautions, first aid, symptoms of poisoning, use and care of personal protective equipment required for early entry into treated fields, the prevention, recognition, and first aid for heat-related illness, and the importance of washing thoroughly at the end of the exposure period.

(b) The employer shall provide all required personal protective equipment and provide for its cleaning (according to pesticide labeling instructions or, absent any instructions, washed in detergent and hot water), repair and replacement when it cannot be adequately cleaned or properly repaired. All personal protective equipment shall be inspected before each day of use. The employer shall assure that all personal protective equipment is kept separate from personal clothing, in a pesticide free, specifically designated place, when not in use. All required personal protective equipment required for fieldworker employees shall meet the applicable standards in section 6738.

(c) The employer shall assure that personal protective equipment is used correctly for its intended purpose.

(d) The employer shall assure that cleaned personal protective equipment is dried or stored in a well ventilated place to dry. The employer shall assure that contaminated personal protective equipment is kept and washed separately from other clothing or laundry.

(e) Personal protective equipment shall remain the property of the employer. Early entry fieldworkers shall not be allowed or directed to take home pesticide contaminated personal protective equipment.

6771. Requirements for Early Entry Fieldworkers., continued

The employer shall inform any person who cleans or launders personal protective equipment that the equipment may be contaminated, about the hazards presented, and how to properly handle and clean it.

(f) The employer shall assure that at least one pint of eyeflush water is immediately accessible (carried by the fieldworker or on the vehicle the fieldworker is using) to each fieldworker who is performing, during any restricted entry interval specified on pesticide product labeling, early entry activities in a treated field for which the pesticide product labeling requires protective eyewear.

(g) The employer shall assure that early entry fieldworkers engaged in tasks pursuant to section 6770(d) and (e) are provided, at the place where they remove personal protective equipment, sufficient water, soap, and clean towels so that they may wash thoroughly at the end of the exposure period.

(h) The employer shall assure that a clean, pesticide-free place for storing personal clothing and putting on personal protective equipment at the start of work and taking off personal protective equipment at the end of the exposure period is provided for early entry fieldworkers.

(i) The employer shall take appropriate measures to prevent heat related illness, when necessary.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6772. Restricted Entry Intervals.

(a) The restricted entry intervals specified in this section shall be applied according to the following:

(1) Other restricted entry intervals are found on pesticide product labeling. In case of an inconsistency between the pesticide product labeling and this section, the longer restricted entry interval shall be followed;

(2) If more than one restricted entry interval in this section is applicable to a given situation, the longer restricted entry interval shall apply, except as provided in section 6774;

(3) When reference is made to pounds of a pesticide in a restricted entry interval, the reference means pounds of active ingredient;

(4) A day is considered to be a 24-hour period beginning at the conclusion of the application to the identified field or portion of a field.

(b) The restricted entry intervals in days in the following table apply to the pesticide/crop combinations listed.

6772. Restricted Entry Intervals., continued

Pesticide	Crops					Other Crops
	Apples	Citrus	Corn	Grapes	Peaches / Nectarines	
Azinphos-methyl (Guthion)	14(B)	30		21	14(B)	14(A)(B)
Chlorpyrifos		2				
Diazinon		5		5	5	
Endosulfan (Thiodan)	2	2	2	2	2	2
Malathion		1		1	1	
Methidathion (Supracide)		30				
Methomyl (Lannate)				7(C)		
Parathion-methyl (non encapsulated)	14	14(D)	14(D)	14(E)	21	14(D)
Phorate (Thimet)			7			
Phosmet (Imidan)				5	5	
Propargite (Omite, Comite)	21	42	7	30	21	21(F)(G)
Sulfur				3(H)		

Footnotes:

(A) This restricted entry interval for other crops applies to stone fruit, such as apricots, cherries, plums, and prunes, and pome fruit, such as pears, only. Stone fruit does not include almonds and other nut crops.

(B) If the total Azinphos-methyl applied in the current calendar year is 1.0 pounds per acre or less, thinning may be done after seven days.

(C) Applications of methomyl made after August 15, have a 21-day restricted entry interval. This interval may be terminated after 10 days if leaf samples tested pursuant to section 6774 (c)(4) show 0.1 micrograms per square centimeter or less of dislodgeable foliar residue of methomyl.

(D) This restricted entry interval applies only when more than one pound per acre of non-encapsulated parathion-methyl is applied.

(E) The restricted entry interval for non-encapsulated parathion-methyl on grapes in Monterey County is six days.

(F) The restricted entry interval for strawberries and field grown roses treated with propargite is 3 days.

(G) The restricted entry interval for cotton fields treated with propargite is 7 days. However, from the end of the restricted entry interval until the beginning of harvest, the employer shall assure that employees entering propargite treated cotton fields wear work clothing with long sleeves and legs and gloves.

(H) This restricted entry interval for sulfur applies from May 15 through harvest in the counties of: Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare; and during March and April in Riverside County.

6772. Restricted Entry Intervals., continued

INFORMATIONAL NOTE FOR Section 6772: The inclusion of a reentry interval in this Section does not imply that the use of a pesticide is currently registered. Consult the pesticide product labeling for permitted registered uses.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981 Food and Agricultural Code.

6774. Restricted Entry Interval Adjustments.

(a) The adjustments in this section apply only to restricted entry intervals specified in section 6772.

(b) Whenever a mixture of two or more organophosphate pesticides is applied, the restricted entry interval shall be lengthened by adding to the longest applicable restricted entry interval listed in 6772, 50 percent of the next longest applicable restricted entry interval.

(c) When there is no foliage on the plant that has been treated by a pesticide and any crop or weed cover in the treated area is not over four inches in height, the restricted entry interval shall be reduced by 50 percent, but in no case to less than the restricted entry interval specified on the pesticide product labeling.

(d) A restricted entry interval may be shortened to not less than the restricted entry interval specified on the pesticide product labeling upon verification by the county agricultural commissioner that one of the following has occurred:

- (1) Two inches of rainfall within any seven-day period following the pesticide application;
- (2) The equivalent of two inches of rainfall has been applied evenly above all plants by sprinkler irrigation equipment within any seven-day period following the pesticide application;
- (3) For tree crops, at least 50 gallons of water has been applied at one time under pressure and evenly distributed to each tree; or
- (4) The plants have been tested by a procedure acceptable to the director and determined to have no residues or to have residue levels that the director considers not to be hazardous.

(e) Whenever the pesticide product labeling specifies that a restricted entry interval be adjusted when outdoor applications are made in areas that receive less than 25 inches of average annual rainfall, the restricted entry interval specified for the dry areas shall apply to all outdoor applications in the State. A county agricultural commissioner, upon presentation of valid rainfall data from an official governmental source showing that an area within his or her county receives 25 inches or more of average annual rainfall, may exempt that area from this requirement.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6776. Field Postings.

(a) The operator of the property shall assure that signs are posted around treated fields in the following circumstances:

- (1) Whenever required by pesticide product labeling, unless access to the treated field is controlled in a manner that assures no employee (other than the handlers making the application) will enter, work in, remain in, or walk within 1/4 mile during the application and the restricted entry interval;

6776. Field Postings., continued

(2) All greenhouse applications, unless access is controlled in a manner that assures no employee (other than the handlers making the application) will enter, work in, remain in, or pass through the greenhouse during the application and the restricted entry interval; and

(3) Any application that results in a restricted entry interval of greater than seven days (after adjustment pursuant to section 6774).

(b) The signs shall be of a size so that the wording specified in (2) and (3) is readable and the skull and crossbones symbol is clearly visible, to a person with normal vision, from a distance of 25 feet. Signs complying with the size requirements of Title 40 Code of Federal Regulations, Part 170.120 are considered to be readable at 25 feet. The signs shall contain the following:

(1) The skull and crossbones symbol near the center of the sign;

(2) The words "DANGER" and "PELIGRO" and "PESTICIDES" and "PESTICIDAS" in the upper portion of the sign;

(3) The words "KEEP OUT" and "NO ENTRE" in the lower portion on the sign;

(4) Whenever the sign is used to indicate a restricted entry interval of more than 7 days, the following information in the lower portion of the sign:

(A) The date of unrestricted entry;

(B) The name of the operator of the property; and

(C) The field identification, (if any); and

(5) All letters and the symbol shall be of a color which sharply contrasts with their immediate background

(6) The Spanish portion of the sign may be replaced with another non-English language which is read by a majority of workers who do not read English. The replacement sign must be in the same format and meet the same size and other requirements as the original.

(c) The signs shall:

(1) Be posted before the application begins but shall not be posted unless a pesticide application is scheduled within the next 24 hours;

(2) Remain posted and clearly legible throughout the application and the restricted entry interval; and,

(3) Be removed within three days after the end of the restricted entry interval and before any entry prohibited during a restricted entry interval.

(d) The signs shall be posted so that they are visible at all usual points of entry to the treated area, including each road, footpath, walkway, or aisle that enters the treated field, and each border with any labor camp adjacent to the treated field. If there are no identified usual points of entry to the treated field, signs shall be posted at the corners of the treated field. When a treated field is adjacent to an unfenced public right-of-way, such as a road, trail, or path, additional signs shall be posted at each end of the treated field and at intervals not exceeding 600 feet along the treated field's border with the right-of-way.

(e) When a pesticide product with the signal word "DANGER" on the label, or a minimal exposure pesticide listed in section 6790, is being applied to a field through an irrigation system, signs shall be posted in the manner specified in (d). These signs shall contain the following:

(1) An octagon stop sign symbol at least eight inches in diameter containing the word "STOP" in English;

(2) The words "KEEP OUT" and "NO ENTRE" above the symbol and the words "PESTICIDES IN IRRIGATION WATER" and "PESTICIDAS EN AGUA de RIEGO" below the symbol;

6776. Field Postings., continued

- (3) All letters shall be at least 2-1/2 inches tall; and
- (4) All letters and the symbol shall be of a color which sharply contrasts with their immediate background.
- (f) When a fumigant is applied to a field, signs shall be posted in the manner specified in (d). These signs shall contain the following information instead of the information specified in (b):
 - (1) The skull and crossbones symbol; and
 - (2) The following statements:
 - (A) "DANGER/PELIGRO";
 - (B) "Area under fumigation, DO NOT ENTER/NO ENTRE";
 - (C) "(Name of Fumigant) Fumigant in use";
 - (D) The date and time of the fumigation; and
 - (E) The name, address, and telephone number of the applicator.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6778. Records.

NOTE: Authority cited: Sections 407 and 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

Chapter 3. Pest Control Operations
Subchapter 3. Pesticide Worker Safety
Article 4. Fumigation

6780. General Fumigation Safe-Use Requirements.

(a) When fumigant concentrations cannot be controlled and an employee's exposure exceeds the Permissible Exposure Limit (PEL) as specified in Title 8, California Code of Regulations, Section 5155, Airborne Contaminants, or more stringent requirements by product labeling, the employer shall provide and require the employee to wear approved respiratory protective equipment.

(b) Whenever an employee may be exposed above an exposure standard to methyl bromide, sulfuryl fluoride, or any other fumigant for which only air-supplied respirator equipment is approved, the employer shall either:

- (1) Require the use of air-supplied respirator equipment,
- (2) Employ continuous monitoring to warn employees before the PEL is reached, or
- (3) Operate under the provisions of (c) below.

(c) Upon written application by an employer, the director will review, and may accept, a Fumigation Safety Program that describes methods, work practices, devices, or processes which the director determines will ensure that employees will not be exposed to concentrations of fumigants in excess of the PEL.

(d) The employer shall have an accident response plan at the worksite. The plan shall provide instructions to protect employees during situations such as spills, fire, and leaks. Employees shall be trained in accident management procedures based on the plan.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Section 12981, Food and Agricultural Code.

6782. Fumigation of Enclosed Spaces.

Enclosed spaces include vaults, chambers, greenhouses, vans, boxcars, ships, planes, vehicles, and tarpaulin-covered structures and commodities. When fumigating tarpaulin-covered commodities inside buildings, and areas or things inside greenhouses, this section applies to the entire structure.

(a) Whenever a pesticide is used for fumigation inside an enclosed space, at least two trained employees shall be present at all times when:

- (1) The fumigant is introduced into the enclosed space;
(A) Except, only one trained person is required to be present when solid fumigants (including aluminum phosphide, magnesium phosphide, and smoke cartridges) are introduced into the enclosed space from outside the enclosed space;
- (2) The enclosed space is entered for the purpose of facilitating aeration; and
- (3) The enclosed space is entered to determine the concentration of the fumigant and personal protective equipment is required by pesticide product labeling or regulation.

(b) The second employee shall have immediate access to the personal protective equipment required by the pesticide product labeling for handlers in the event entry into the fumigated enclosed space becomes necessary for rescue.

6782. Fumigation of Enclosed Spaces., continued

(c) Prior to the commencement of fumigation, warning signs shall be posted in plainly visible locations on or in the immediate vicinity of all entrances to the space under fumigation and shall not be removed until fumigation and ventilation have been completed, and the premises are safe for reentering. Warning signs shall be printed in red on white background and shall contain, in English and Spanish, the following statement in letters not less than two inches in height: "DANGER-FUMIGATION". They shall also depict a skull and crossbones not less than one inch in height and shall state in letters not less than one-half inch in height the name of the fumigant, the date and time the fumigant was injected, and the name, address and telephone number of the applicator performing the fumigation.

(d) Employees shall not be allowed to enter fumigated enclosed areas, except to determine the fumigant concentration or facilitate aeration, unless the concentration in the area is known to be at or below the level specified in 6780(a) above.

(e) The fumigant shall not be released into an occupied work area.

(f) After completion of the fumigation, the treated area or products shall be managed so that employees entering the area or working with the treated products are not exposed to a concentration in excess of the level specified in 6780(a) above.

NOTE: Authority cited: Section 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6784. Field Fumigation.

(a) Signs shall be posted in accordance with section 6776(f) and shall remain in place until aeration is complete.

(b) The provisions of this subsection pertain to field soil fumigations using methyl bromide, singly or in combination with chloropicrin or any other pesticide or warning agent, applied pursuant to the fumigation methods described in section 6450.3.

(1) For purposes of this subsection, fumigation handling activities includes an employee involved in assisting with covering the tarpaulin at the end of the rows (shoveling); observing the overall operation, checking tarpaulin placement, changing cylinders (copiloting); operating application equipment (driving); and tarpaulin cutting and removal.

(2) Employer Recordkeeping. The employer shall maintain records for all employees involved in application, tarpaulin cutting, tarpaulin repair, and tarpaulin removal activities. The records shall identify the person, work activity(ies), date(s), duration of handling, the U.S. Environmental Protection Agency Registration Number, and the brand name of the methyl bromide product handled. The employer shall maintain these use records at a central location for two years and the records shall be made available to the commissioner upon request.

(3) Employee Protection Requirements for Fumigation Handlers.

(A) Employees involved primarily in shoveling shall work only at the ends of the application rows.

(B) Whenever methyl bromide, singly or in combination with chloropicrin or any other pesticide or warning agent, is used for field soil fumigation, at least two trained employees shall be present during introduction of the fumigant and removal of tarpaulins, if used.

6784. Field Fumigation., continued

(4) Limited Work Hours.

(A) Multiple Task Employees. An employee may work in more than one work task and/or application method in a 24-hour period as long as the employee's total work hours do not exceed the lowest total hours specified in Table 1 – Maximum Work Hours for any one work task or application method performed, except as provided in section 6784(b)(7).

(B) Fumigation Handling Activities. No employee may work in fumigation handling activities more than the hours specified in Table 1 – Maximum Work Hours, in a 24-hour period, during the injection period and during the restricted entry interval, except as provided in section 6784(b)(7).

Table 1. Maximum Work Hours

Fumigation Method/Activities	Maximum Application Rate	Maximum Work Hours in a 24-Hour Period
Nontarpaulin/Shallow/Bed Application Equipment Driving	200 lbs.	4*
Nontarpaulin/Deep/Broadcast Application Equipment Driving	400 lbs.	4*
Tarpaulin/Shallow/Broadcast Application Equipment Driving	400 lbs.	4*
Shoveling, Copiloting		3*
Tarpaulin Cutting		4
Tarpaulin Removal		7
Tarpaulin/Shallow/Bed Application Equipment Driving	250 lbs.	4*
Shoveling, Copiloting		4*
Tarpaulin Cutting		4
Tarpaulin Removal		7
Tarpaulin/Deep/Broadcast Application Equipment Driving	400 lbs.	4*
Shoveling, Copiloting		3*
Tarpaulin Cutting		4
Tarpaulin Removal		7
Drip System – Hot Gas Applicators	225 lbs.	2*
Tarpaulin Cutting		4
Tarpaulin Removal		7

*If the actual methyl bromide application rate is less than the maximum application rate shown in the table above for the particular fumigation method used, the maximum work hours may be increased in accordance with the following formula:

6784. Field Fumigation., continued

$$\left(\frac{\text{maximum application rate for method}}{\text{actual application rate}} \right) \times \frac{\text{maximum work hours in a 24-hour period}}{\text{revised maximum work hours in a 24-hour period}} =$$

(5) Tarpaulin Cutting and Removal Procedures

(A) Tarpaulin cutting and tarpaulin removal shall be discontinued if the presence of gas is readily evident (onset of eye irritation or odor).

(B) Tarpaulins used for broadcast fumigations shall be cut using only mechanical methods (all-terrain vehicle or a tractor with a cutting wheel). Each tarpaulin panel used for broadcast fumigations shall be cut lengthwise.

(6) Tarpaulin Repair.

(A) The operator of the property shall assure that a "tarpaulin repair response plan" is provided to the commissioner. The tarpaulin repair response plan shall identify the responsibilities of the licensed pest control business and/or the permittee with regard to tarpaulin damage detection and repair activities. At a minimum, the tarpaulin repair response plan shall indicate the parties responsible for the repair and incorporate the applicable elements listed in (B) below.

(B) The "tarpaulin repair response plan" approved by the commissioner in the worksite plan must state with specificity the situations when tarpaulin repair must be conducted. The situations should be based on, but not limited to, hazard to the public, residents or workers; proximity to occupied structures, size of the damaged area(s); timing of damage; feasibility of repair; and environmental factors such as wind speed and direction.

(C) The ambient air in the damaged areas of the tarpaulin to be repaired must be tested for methyl bromide concentration by a certified applicator of the licensed pest control business that made the application, or by a certified applicator employee of the permittee, or certified applicator permittee, using a testing device as specified by the labeling. The certified applicator must wear self-contained breathing apparatus (SCBA) when conducting these tests.

(D) All repair work areas must test less than 5 parts per million methyl bromide before any employee without respiratory protection shall be allowed to enter and conduct tarpaulin repair. Such employee is limited to one (1) work hour in a 24-hour period, except as provided in section 6784(b)(7).

(7) Maximum Work Hour Exemption.

Notwithstanding sections 6784(b)(4) and 6784(b)(6)(D), maximum fumigation handlers work hour restrictions shall not apply if:

(A) fumigation handlers wear National Institute for Occupational Safety and Health (NIOSH) certified respiratory protection specifically recommended by the manufacturer for use in atmospheres containing less than 5 parts per million methyl bromide; and

(A) the NIOSH certified respiratory protection is worn for the entire duration of the fumigation handling activities.

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code. Reference: Section 12981, Food and Agricultural Code.

Chapter 3. Pest Control Operations
Subchapter 3. Pesticide Worker Safety
Article 5. Minimal Exposure Pesticides

6790. Minimal Exposure Pesticides.

This article applies to the following:

- (a) Bromoxynil (Buctril, Bronate)
- (b) Folpet
- (c) Oxydemeton-methyl (Metasystox-R)
- (d) Propargite (Omite, Omite CR, Comite)

NOTE: Authority cited: Sections 11456, 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6791. Exemptions.

The following exemptions apply to the specific minimal exposure pesticides:

- (a) Folpet, when contained in or added to paints, coatings, or caulking compounds, is exempt from the requirements of this article.
- (b) (Reserved).

NOTE: Authority cited: Sections 11456, 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

6792. Conditions of Use.

The following conditions apply to the specific minimal exposure pesticides:

- (a) Applications of oxydemeton-methyl to ornamental landscape trees and shrubs shall be made by trunk injection or soil injection methods only;
- (b) Oxydemeton-methyl shall not be applied within a greenhouse; and
- (c) Propargite shall not be applied within a greenhouse.

NOTE: Authority cited: Sections 11456, 12981, Food and Agricultural Code. Reference: Sections 12980 and 23981, Food and Agricultural Code.

6793. Minimal Exposure Pesticide Safety Use Requirements.

(a) The employer shall provide a clothing change area and instructions, as required by section 6732, for employees who handle minimal exposure pesticides for any period of time, regardless of the toxicity category of the product used.

(b) The employer shall provide washing facilities, as specified in section 6734, where minimal exposure pesticides are mixed or loaded, regardless of the toxicity category of the product used.

(c) The employer shall provide and maintain work clothing, as specified in section 6736, and require it to be worn, regardless of the toxicity category.

(d) The employer shall provide a closed system, as defined in section 6000.4 6000, and require its use by all employees who mix, load, or transfer liquid formulations or load diluted liquid mixes derived from dry formulations of minimal exposure pesticides, regardless of the toxicity category of the product used. The requirements of this subsection do not apply to:

6793. Minimal Exposure Pesticide Safety Use Requirements., continued

(1) Employees who handle a total of one gallon or less of these pesticides per day exclusively in original containers of one gallon or less; or

(2) Regulatory personnel collecting samples of these pesticides according to official sampling procedures.

(e) The employer shall provide and require employees to wear full-body, chemical-resistant protective clothing, as specified in section 6738(d), when handling minimal exposure pesticides. Employees working in the following situations are not required by this subsection to wear chemical-resistant, full-body protective clothing, but this clothing shall be present at the work site:

(1) Employees using a closed system, or sealed water soluble packets, while mixing, loading, or transferring these pesticides. These employees shall wear a chemical-resistant apron, chemical-resistant gloves, and chemical-resistant boots;

(2) Employees working as applicators in enclosed cabs;

(3) Employees working as flaggers in enclosed vehicles;

(4) Applicators using vehicle-mounted or towed equipment to inject or incorporate these pesticides into the soil; and

(5) Applicators using equipment with vehicle-mounted spray nozzles directed downward and located below the level of the employee.

(f) The employer shall provide and require employees to wear respiratory protection, as specified in section 6738(e), when engaged in:

(1) Hand application or ground application of minimal exposure pesticides, except:

(A) (Reserved);

(B) Applicators using vehicle-mounted or towed equipment to inject or incorporate these pesticides into the soil; and

(C) Applicators using equipment with vehicle-mounted spray nozzles directed downward and located below the level of the employee;

(2) Flagging during an application of a minimal exposure pesticide, except flaggers in enclosed vehicles; and

(3) Mixing or loading dry formulations of minimal exposure pesticides, except mixers or loaders using sealed water-soluble packets.

(g) All protective clothing and equipment shall be cleaned inside and out or discarded at the end of the day's use.

NOTE: Authority cited: Sections 11456, 12981, Food and Agricultural Code. Reference: Sections 12980 and 12981, Food and Agricultural Code.

Chapter 3. Pest Control Operations
Subchapter 3. Pesticide Worker Safety
Article 6. Use Requirements

6795. Thiophanate-Methyl.

- (a) Employers shall provide and ensure that employees who handle pesticides containing thiophanate-methyl for the treatment of potato seed pieces wear respiratory protection approved by NIOSH/MSHA for dusts.
- (b) Indoor applications of thiophanate-methyl for potato seed-piece treatment are prohibited if there are persons within the room or enclosed space where the treatment is taking place, unless the persons are protected in the manner specified in subsection (a).

NOTE: Authority cited: Sections 11456 and 12981, Food and Agricultural Code.

Reference: Sections 12980 and 12981, Food and Agricultural Code.

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Chapter 4. Environmental Protection
Subchapter 1. Groundwater
Article 1. Pesticide Contamination Prevention

6800. Groundwater Protection List.

Pesticides labeled for agricultural, outdoor institutional, or outdoor industrial use that contain any of the following chemicals are designated as having the potential to pollute ground water:

(a) The following chemicals detected in ground water or soil pursuant to section 13149 of the Food and Agricultural Code:

- | | |
|--------------|---------------------------|
| (1) Atrazine | (5) Prometon |
| (2) Simazine | (6) Bentazon (Basagran ®) |
| (3) Bromacil | (7) Norflurazon |
| (4) Diuron | |

(b) The following chemicals identified pursuant to section 13145(d) of the Food and Agricultural Code:

- | | |
|---------------------------|-----------------------|
| Acephate | Imazethapyr |
| Acrolein | Imidacloprid |
| Alachlor | Iprodione |
| Aldicarb | Isoxaben |
| Azinphos-methyl | Linuron |
| Bensulide | Metalaxyl |
| Butylate | Metaldehyde |
| Carbaryl | Methiocarb |
| Carbofuran | Methomyl |
| Chloropicrin | Methyl isothiocyanate |
| Chlorothalonil | Metolachlor |
| Chlorsulfuron | Metribuzin |
| Cyanazine | Molinate |
| Cycloate | Napropamide |
| Dazomet | Naptalam, sodium salt |
| 2,4-D, dimethylamine salt | Nitrapyrin |
| Diazinon | Oryzalin |
| Dichlobenil | Oxydemeton-methyl |
| Dichloran | Parathion |
| Diethatyl-ethyl | Pebulate |
| Dimethoate | Phorate |
| Diquat dibromide | Prometryn |
| Disulfoton | Propyzamide |
| EPTC | Pyrazon |
| Ethofumesate | Rimsulfuron |
| Ethoprop | Sulfometuron-methyl |
| Fenamiphos | Tebuthiuron |
| Fluometuron | Triallate |
| Fonofos | Triflumizole |
| Fosetyl-Al technical | Vernolate |
| Hexazinone | Vinclozolin |

6800. Groundwater Protection List., continued

NOTE: Authority cited: Sections 11456, 12976 and 13145, Food and Agricultural Code.
Reference: Sections 13144, 13145 and 13149, Food and Agricultural Code

6802. Pesticide Management Zones.

(a) A Pesticide Management Zone is a geographical area of approximately one square mile which is sensitive to ground water pollution and which corresponds to a section as defined by base meridian, township, range, and section; or which is defined by latitude and longitude or other generally accepted geographical coordinates.

(b) The areas listed below, designated by meridian, township, range, and section, are Pesticide Management Zones. Chemicals detected in ground water in these zones are designated by numbers corresponding to the subparagraph numbers in section 6800(a):

*Mount Diablo Meridian*Butte County

21N/01E/01 (1,3)

Colusa County

13N/01W/06 (2)

14N/01W/32 (2)

Contra Costa Count

02N/02W/14 (3,5)

02N/02W/24 (1,2,5)

01S/03E/04(1)

Fresno County

12S/20E/01 (2,4)

13S/21E/01 (2)

13S/23E/24 (1,2,3,4)

13S/23E/31 (1,2,3,4)

13S/22E/06 (2,3,4)

13S/23E/26 (1,2,3,4)

13S/23E/32 (1,2,4)

13S/22E/33 (2,3,4)

13S/23E/27 (2,3,4)

13S/23E/33 (2,3,4)

13S/22E/36 (1,2,3,4)

13S/23E/28 (2,3,4)

13S/23E/34 (1,2,4)

14S/21E/13 (2,4)

14S/21E/36 (2,4)

14S/22E/31 (2,4)

14S/21E/16 (2)

14S/22E/01 (1,2,3,4)

14S/22E/33 (2,3,4)

14S/21E/20 (2,4)

14S/22E/03 (4)

14S/23E/22 (1,2,4,7)

14S/21E/21 (2)

14S/22E/12 (1,2,3,4,7)

14S/23E/26 (1,2,7)

14S/21E/23 (2)

14S/22E/13 (1,2,4)

14S/23E/28 (1,2,4,7)

14S/21E/24 (2)

14S/22E/14 (2,3,4)

14S/23E/32 (1,2,4)

14S/21E/25 (2,3)

14S/22E/18 (2)

14S/23E/33 (2,4,7)

14S/21E/26 (2)

14S/22E/19 (2,4)

14S/23E/34 (2,4)

14S/21E/28 (2)

14S/22E/20 (1,2,4)

14S/23E/35 (1,2,4)

14S/21E/32 (2)

14S/22E/22 (1,5)

14S/24E/35 (1,2,4)

14S/21E/34 (2)

14S/22E/23 (2)

14S/24E/36 (2,3,4)

14S/21E/35 (2)

6802(b). Pesticide Management Zones., continued*Mount Diablo Meridian*Fresno County, continued

15S/21E/02 (2)	15S/22E/07 (2)	15S/23E/01 (1,2,4)
15S/21E/03 (2)	15S/22E/08 (2)	15S/23E/02 (1,2,4,7)
15S/21E/04 (2,4)	15S/22E/09 (2,3)	15S/23E/06 (2,3,4)
15S/21E/05 (2,4)	15S/22E/11 (2)	15S/23E/07 (2,4)
15S/21E/08 (2,5)	15S/22E/15 (4)	15S/23E/12 (1,2,4,5,7)
15S/21E/09 (2)	15S/22E/16 (5)	15S/24E/01 (2,3,4)
15S/21E/10 (2)	15S/22E/17 (2)	15S/24E/10 (2,3,4)
15S/21E/12 (2)	15S/22E/18 (2)	15S/24E/11 (2,3,4)
15S/21E/13 (2,4)	15S/22E/19 (2)	15S/24E/12 (1,2,4)
15S/21E/14 (1,2,4)	15S/22E/20 (2)	15S/24E/13 (1,2,3,4)
15S/21E/15 (2)	15S/22E/21 (2)	15S/24E/14 (1,2,3,4)
15S/21E/17 (2)	15S/22E/22 (2)	15S/24E/23 (1,2,4)
15S/21E/24 (1,2)	15S/22E/28 (2)	15S/24E/25 (1,2,3,4)
15S/21E/34 (2)	15S/22E/30 (2,4)	15S/24E/31 (2,4)
15S/22E/03 (1,2)	15S/22E/32 (2)	15S/24E/33 (2,3,4)
15S/22E/05 (2,3,4)	15S/22E/33 (2)	15S/24E/36 (1,2,3,4)
15S/22E/06 (2)		

16S/21E/04 (2)	16S/21E/21 (1,2)	16S/22E/11 (2)
16S/21E/05 (2)	16S/22E/01 (2,4)	16S/22E/33 (1,2,3)
16S/21E/07 (2)	16S/22E/02 (1,2)	16S/22E/34 (2,4)
16S/21E/16 (2)	16S/22E/03 (2)	

17S/19E/35 (4)	17S/22E/05 (2)	
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Glenn County

18N/03W/05 (1,2,5)	18N/03W/18 (2,5)	18N/04W/01 (1)
18N/03W/07 (1,2)		
19N/02W/05 (1)	19N/03W/08 (1,2,5)	19N/03W/31 (1)
19N/02W/09 (4)	19N/03W/09 (1,2,5)	19N/04W/01 (5)
19N/03W/03 (1,2)	19N/03W/10 (1,2)	19N/04W/02 (1)
19N/03W/04 (1)	19N/03W/17 (2,5)	19N/04W/12 (1)
19N/03W/06 (1)	19N/03W/18 (1,5)	19N/04W/23 (1)
19N/03W/07 (1,2)	19N/03W/22 (1)	19N/04W/25 (1)
20N/03W/03 (1)	20N/03W/19 (1)	20N/03W/33 (1)
20N/03W/09 (1,2)	20N/03W/20 (1)	20N/03W/34 (2,5)
20N/03W/16 (5)	20N/03W/25 (1,2)	20N/03W/36 (1)

6802(b). Pesticide Management Zones., continued*Mount Diablo Meridian*Kern County

28S/25E/14 (4) 31S/27E/16 (1)

Madera County

08S/20E/34 (2,4) 09S/20E/02 (2)

Mendocino County

15N/12W/16 (2)

Merced County

06S/12E/32 (2) 07S/13E/36 (2) 08S/13E/01 (1,2,5)

09S/12E/25 (4) 09S/12E/36 (1,4)

Placer County

15N/10E/04 (3)

San Joaquin County

01S/06E/12 (3) 01S/06E/13 (3)

02S/05E/13 (1,2) 02S/05E/23 (1,3) 02S/06E/19 (1,2,4)
02S/05E/14 (1) 02S/05E/24 (1,4)Solano County

07N/01E/04 (1)

Stanislaus County04S/07E/29 (4) 04S/09E/15 (2) 04S/09E/21 (2)
04S/07E/30 (4) 04S/09E/16 (2) 04S/09E/22 (1,2,4)
04S/09E/10 (2) 04S/09E/20 (2) 04S/09E/23 (2,4)Tehama County

25N/03W/23 (1,2) 25N/03W/24 (1,3) 26N/03W/35 (2,4)

Tulare County

15S/25E/05 (2,3,4) 15S/25E/08 (1,2,4)

6802(b). Pesticide Management Zones., continued*Mount Diablo Meridian*Tulare County, continued

16S/23E/01 (2,3)	16S/24E/15 (4)	16S/25E/06 (2,3,4)
16S/24E/01 (2,3,4)	16S/24E/16 (2,3,4)	16S/25E/08 (3)
16S/24E/03 (2,4)	16S/24E/22 (2,3,4)	16S/25E/09 (3,4)
16S/24E/04 (2,3,4)	16S/24E/24 (1,2,4)	16S/25E/16 (4)
16S/24E/05 (1,2,4)	16S/24E/25 (2)	16S/25E/18 (2,4)
16S/24E/06 (3)	16S/24E/26 (2,3,4)	16S/25E/19 (2,4)
16S/24E/08 (2)	16S/24E/27 (2)	16S/25E/21 (2,3,4)
16S/24E/09 (2,3,4)	16S/24E/33 (1,2,4)	16S/25E/28 (1,2,3,4)
16S/24E/10 (2,3,4,5)	16S/24E/34 (2)	16S/25E/29 (2,4)
16S/24E/11 (4)	16S/24E/35 (4)	16S/25E/31 (1,2)
16S/24E/12 (2,3,4,7)	16S/24E/36 (2,4)	16S/25E/32 (2,3,4)
16S/24E/13 (1,2,3,4)	16S/25E/04 (2,3,4)	16S/25E/34 (2)
16S/24E/14 (4,7)	16S/25E/05 (2,4)	
17S/24E/01 (4)	17S/26E/13 (1,2)	17S/26E/28 (1,2,3,4)
17S/25E/02 (1,2)	17S/26E/14 (1,2)	17S/26E/29 (2,3,4)
17S/25E/03 (2,4,5)	17S/26E/18 (2,3,4)	17S/26E/30 (2,3,4)
17S/25E/04 (1,2,4,5)	17S/26E/19 (2,3,4)	17S/26E/31 (2,3,4)
17S/25E/05 (2,4)	17S/26E/20 (2,3,4)	17S/26E/32 (2,3,4)
17S/25E/11 (2,3,4)	17S/26E/21 (2,4)	17S/26E/33 (1,2,3,4)
17S/25E/12 (2,4)	17S/26E/23 (2,4)	17S/26E/34 (2)
17S/25E/13 (2,3,4)	17S/26E/24 (3,4)	17S/26E/35 (2,3,4)
17S/25E/23 (2,3,4)	17S/26E/25 (4)	17S/26E/36 (2,4)
17S/25E/24 (2,3,4)	17S/26E/26 (1,2,3,4)	17S/27E/29 (1,2)
17S/25E/25 (2,3,4)	17S/26E/27 (2,4)	17S/27E/31 (2,4,5)
17S/25E/36 (2,3,4)		
18S/23E/36 (3)	18S/26E/23 (1,2,3,4,5)	18S/27E/10(2,4)
18S/24E/31 (2,4)	18S/26E/24 (2,3,4)	18S/27E/11 (2,4)
18S/25E/01 (2,3,4)	18S/26E/25 (2,4)	18S/27E/14 (4)
18S/25E/12 (2,3,4)	18S/26E/26 (2,3,4)	18S/27E/15 (2)
18S/25E/13 (2,4)	18S/26E/27 (2)	18S/27E/16 (2,3,4,5)
18S/26E/01 (2,4)	18S/26E/28 (2)	18S/27E/17 (2,3,4)
18S/26E/02 (2,3,4)	18S/26E/33 (2,4)	18S/27E/18 (2,3,4)
18S/26E/04 (2,4)	18S/26E/34 (3)	18S/27E/19 (2,4)
18S/26E/06 (2,3,4)	18S/26E/35 (2,3,4)	18S/27E/20 (2,3,4)
18S/26E/09 (2,4)	18S/26E/36 (2,3,4)	18S/27E/21 (4)
18S/26E/14 (2)	18S/27E/02 (2,3,4)	18S/27E/29 (2,3,4)
18S/26E/16 (2)	18S/27E/08 (2,3,4)	18S/27E/30 (2,3,4)
18S/26E/21 (2,5)	18S/27E/09 (2,3,4)	18S/27E/31 (2,4)
18S/26E/22 (2,4)		

6802(b). Pesticide Management Zones., continued*Mount Diablo Meridian*Tulare County, continued

19S/24E/36 (4)	19S/26E/14 (1,2,3,4)	19S/26E/35 (2,3,4)
19S/25E/31 (4)	19S/26E/15 (2,3,4)	19S/26E/36 (2,3,4)
19S/26E/01 (2,3,4)	19S/26E/16 (7)	19S/27E/18 (2,4)
19S/26E/02 (2,3,4)	19S/26E/23 (2,3,4)	19S/27E/19 (2,3,4)
19S/26E/04 (2,4)	19S/26E/24 (2,4)	19S/27E/29 (1,2)
19S/26E/10 (2,4)	19S/26E/25 (1,2)	19S/27E/30 (2)
19S/26E/11 (2,3,4)	19S/26E/26 (2,3,4)	19S/27E/31 (2,3)
19S/26E/12 (2,3,4)	19S/26E/34 (2,3,4,5)	19S/27E/32 (2)
19S/26E/13 (2)		
20S/26E/01 (2,4)	20S/26E/36 (2)	20S/27E/18 (2,3,4)
20S/26E/02 (2,3,4)	20S/27E/06 (2,3,4)	20S/27E/19 (1,3)
20S/26E/03 (2,4)	20S/27E/07 (2,3,4)	20S/27E/20 (3)
20S/26E/11 (2,3,4)	20S/27E/08 (2,3,4)	20S/27E/21 (3)
20S/26E/12 (2,3)	20S/27E/09 (3)	20S/27E/29 (1,2,3)
20S/26E/24 (2,4)	20S/27E/10 (3)	20S/27E/30 (2,3,4)
20S/26E/25 (2,3,4)	20S/27E/16 (2,3)	20S/27E/31 (2,3,4)
20S/26E/35 (2,4)	20S/27E/17 (3,4)	20S/27E/32 (2,3)
21S/26E/02 (1)	21S/26E/34 (2)	21S/29E/09 (2)
21S/26E/03 (4)	21S/26E/36 (4)	21S/29E/10 (3,4)
21S/26E/21 (4)	21S/27E/05 (7)	21S/29E/11 (4)
21S/26E/27 (4)	21S/27E/06 (2)	21S/29E/14 (2,4)
21S/26E/28 (2)	21S/27E/08 (1,2)	21S/29E/15 (2,4)
21S/26E/32 (2,4)	21S/27E/17 (1,2)	21S/29E/16 (2,4)
21S/26E/33 (2)		
22S/26E/02 (2,4)	22S/26E/13 (2,4)	22S/27E/06 (2,4)
22S/26E/03 (2)	22S/26E/24 (4)	22S/27E/07 (2,4)
22S/26E/10 (4)	22S/26E/29 (1)	22S/27E/18 (1,2,3,4)
22S/26E/11 (2,3,4)	22S/26E/32 (4)	22S/27E/34 (2,4)
22S/26E/12 (2,4)		
23S/26E/09 (2,4)	23S/26E/17 (1)	23S/27E/03 (2,4)
24S/25E/13 (2)	24S/25E/25 (2)	24S/26E/07 (2)
24S/25E/24 (2)	24S/25E/36 (2)	24S/26E/30 (2)
<u>Yolo County</u>		
08N/01E/01 (1)	08N/01E/11 (1)	08N/01E/14 (2)
08N/01E/02 (2)		

6802(b). Pesticide Management Zones., continued*Mount Diablo Meridian*Yolo County

09N/01E/36 (1,2)

*San Bernardino Meridian*Los Angeles County

01N/08W/33 (1)

01S/09W/03 (1)

01S/11W/14 (1,2)

01N/09W/35 (1,2)

01S/11W/02 (1)

01S/11W/15 (1)

01N/12W/05 (1)

01S/11W/09 (1)

01S/11W/21 (1)

01N/12W/08 (1)

01S/11W/10 (1,2)

01S/11W/23 (1)

01S/08W/03 (3)

01S/11W/11 (2)

01S/11W/26 (1)

01S/08W/05 (1,3)

01S/11W/12 (1)

01S/11W/27 (1)

02S/11W/05 (2,4)

02S/12W/15 (1,2)

02S/12W/27 (1,2)

02S/11W/07 (1,2)

02S/12W/16 (1,2)

02S/12W/28 (1,2,4)

02S/11W/08 (1,2)

02S/12W/20 (1)

02S/12W/29 (1,2,4)

02S/11W/18 (1,2)

02S/12W/21 (1,2,4)

02S/12W/30 (1,2)

02S/11W/19 (1,2)

02S/12W/22 (1,2)

02S/12W/31 (1)

02S/12W/01 (1,2)

02S/12W/23 (1,2)

02S/12W/33 (1,2)

02S/12W/08 (1)

02S/12W/24 (1,2)

02S/12W/34 (1)

02S/12W/12 (1,2)

02S/12W/25 (1,2)

02S/12W/35 (1,2)

02S/12W/13 (1,2)

02S/12W/26 (1,2)

02S/12W/36 (1)

02S/12W/14 (1,2)

03S/12W/01 (1,2)

03S/12W/08 (1)

03S/12W/13 (1)

03S/12W/02 (1,2)

03S/12W/09 (1)

03S/12W/14 (1)

03S/12W/03 (1,2,4)

03S/12W/10 (1)

03S/12W/15 (1)

03S/12W/04 (1,2)

03S/12W/11 (1)

03S/12W/17 (1)

03S/12W/05 (1,2)

03S/12W/12 (1,2)

04N/15W/21 (2,5)

Orange County

03S/09W/27 (1,2,4)

03S/09W/32 (1,2)

03S/09W/34 (2,4)

03S/09W/28 (1,2,4)

03S/09W/33 (2)

04S/09W/03 (2,3,4)

04S/09W/18 (2)

04S/10W/09 (1)

04S/09W/04 (2,4)

04S/10W/01 (2)

04S/10W/14 (2)

04S/09W/05 (1,2)

04S/10W/03 (1,2)

04S/10W/24 (2)

04S/09W/07 (1,2)

04S/10W/04 (1,2)

04S/10W/25 (1,2)

6802(b). Pesticide Management Zones., continued*San Bernardino Meridian*Riverside County

02S/04W/07 (2)	02S/05W/12 (2)	02S/05W/21 (2)
02S/04W/17 (2)	02S/05W/20 (2)	02S/07W/36 (2)
03S/04W/30 (1,2,3,4)	03S/06W/15 (2,3)	03S/06W/28 (2)
03S/04W/31 (1,2,3,4)	03S/06W/22 (1,2,4)	03S/06W/31 (2)
03S/05W/06 (2)	03S/06W/23 (2,3,4)	03S/07W/25 (2)
03S/06W/14 (2,3,4)		

San Bernardino County

01S/04W/32 (2,4)	
02S/04W/05 (2,4)	02S/04W/06 (2)

Ventura County

02N/19W/19 (1,2,3)	02N/20W/23 (1,2,3)	02N/20W/25 (1,2)
02N/19W/30 (1,2,3)	02N/20W/24 (1,3)	02N/20W/26 (1,2,3)

(c) Pesticide Management Zones for *atrazine* are listed below:

*Mount Diablo Meridian*Butte County

21N/01E/01

Contra Costa County

01S/03E/04

02N/02W/24

Fresno County

13S/22E/36	13S/23E/26	13S/23E/32
13S/23E/24	13S/23E/31	13S/23E/34
14S/22E/01	14S/22E/22	14S/23E/32
14S/22E/12	14S/23E/22	14S/23E/35
14S/22E/13	14S/23E/26	14S/24E/35
14S/22E/20	14S/23E/28	
15S/21E/14	15S/23E/02	15S/24E/14
15S/21E/24	15S/23E/12	15S/24E/23
15S/22E/03	15S/24E/12	15S/24E/25

6802. Pesticide Management Zones., continued(c) Pesticide Management Zones for atrazine are listed below:*Mount Diablo Meridian*Fresno County

15S/23E/01 15S/24E/13 15S/24E/36

16S/21E/21 16S/22E/02 16S/22E/33

Glenn County

18N/03W/05 18N/03W/07 18N/04W/01

19N/02W/05 19N/03W/08 19N/03W/31

19N/03W/03 19N/03W/09 19N/04W/02

19N/03W/04 19N/03W/10 19N/04W/12

19N/03W/06 19N/03W/18 19N/04W/23

19N/03W/07 19N/03W/22 19N/04W/25

20N/03W/03 20N/03W/20 20N/03W/33

20N/03W/09 20N/03W/25 20N/03W/36

20N/03W/19

Kern County

31S/27E/16

Merced County

08S/13E/01

09S/12E/36

San Joaquin County

02S/05E/13 02S/05E/23 02S/06E/19

02S/05E/14 02S/05E/24

Solano County

07N/01E/04

Stanislaus County

04S/09E/22

Tehama County

25N/03W/23 25N/03W/24

6802. Pesticide Management Zones., continued(c) Pesticide Management Zones for atrazine are listed below:*Mount Diablo Meridian*Tulare County

15S/25E/08

16S/24E/05

16S/24E/13

17S/25E/02

17S/25E/04

17S/26E/13

18S/26E/23

19S/26E/14

20S/27E/19

21S/26E/02

22S/26E/29

23S/26E/17

16S/24E/24

16S/24E/33

17S/26E/14

17S/26E/26

17S/26E/28

19S/26E/25

20S/27E/29

21S/27E/08

22S/27E/18

16S/25E/28

16S/25E/31

17S/27E/29

17S/26E/33

19S/27E/29

21S/27E/17

Yolo County

08N/01E/01

08N/01E/11

09N/01E/36

*San Bernardino Meridian*Los Angeles County

01N/08W/33

01N/09W/35

01N/12W/05

01N/12W/08

01S/08W/05

01S/09W/03

01S/11W/02

01S/11W/09

01S/11W/10

01S/11W/12

01S/11W/14

01S/11W/15

01S/11W/21

01S/11W/23

01S/11W/26

01S/11W/27

02S/11W/07

02S/11W/08

02S/11W/18

02S/11W/19

02S/12W/01

02S/12W/15

02S/12W/16

02S/12W/20

02S/12W/21

02S/12W/22

02S/12W/27

02S/12W/28

02S/12W/29

02S/12W/30

02S/12W/31

6802. Pesticide Management Zones., continued(c) Pesticide Management Zones for atrazine are listed below:*San Bernardino Meridian*Los Angeles County

02S/12W/08	02S/12W/23	02S/12W/33
02S/12W/12	02S/12W/24	02S/12W/34
02S/12W/13	02S/12W/25	02S/12W/35
02S/12W/14	02S/12W/26	02S/12W/36

03S/12W/01	03S/12W/09	03S/12W/13
03S/12W/02	03S/12W/10	03S/12W/14
03S/12W/03	03S/12W/11	03S/12W/15
03S/12W/04	03S/12W/12	03S/12W/17
03S/12W/05		
03S/12W/08		

Orange County

03S09W27	03S09W28	03S09W32
04S09W05	04S10W03	04S10W09
04S09W07	04S10W04	04S10W25

Riverside County

03S/04W/30	03S/04W/31	03S/06W/22
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Ventura County

02N/19W/19	02N/20W/23	02N/20W/25
02N/19W/30	02N/20W/24	02N/20W/26

(d) Pesticide Management Zones for simazine are listed below:*Mount Diablo Meridian*Colusa County

13N/01W/06

14N/01W/32

Contra Costa County

02N/02W/24

Fresno County

12S/20E/01

6802. Pesticide Management Zones., continued(d) Pesticide Management Zones for *simazine* are listed below:*Mount Diablo Meridian*Fresno County

13S/21E/01	13S/23E/24	13S/23E/31
13S/22E/06	13S/23E/26	13S/23E/32
13S/22E/33	13S/23E/27	13S/23E/33
13S/22E/36	13S/23E/28	13S/23E/34
14S/21E/13	14S/21E/35	14S/22E/33
14S/21E/16	14S/21E/36	14S/23E/22
14S/21E/20	14S/22E/01	14S/23E/26
14S/21E/21	14S/22E/12	14S/23E/28
14S/21E/23	14S/22E/13	14S/23E/32
14S/21E/24	14S/22E/14	14S/23E/33
14S/21E/25	14S/22E/18	14S/23E/34
14S/21E/26	14S/22E/19	14S/23E/35
14S/21E/28	14S/22E/20	14S/24E/35
14S/21E/32	14S/22E/23	14S/24E/36
14S/21E/34	14S/22E/31	
15S/21E/02	15S/22E/06	15S/23E/02
15S/21E/03	15S/22E/07	15S/23E/06
15S/21E/04	15S/22E/08	15S/23E/07
15S/21E/05	15S/22E/09	15S/23E/12
15S/21E/08	15S/22E/11	15S/24E/01
15S/21E/09	15S/22E/17	15S/24E/10
15S/21E/10	15S/22E/18	15S/24E/11
15S/21E/12	15S/22E/19	15S/24E/12
15S/21E/13	15S/22E/20	15S/24E/13
15S/21E/14	15S/22E/21	15S/24E/14
15S/21E/15	15S/22E/22	15S/24E/23
15S/21E/17	15S/22E/28	15S/24E/25
15S/21E/24	15S/22E/30	15S/24E/31
15S/21E/34	15S/22E/32	15S/24E/33
15S/22E/03	15S/22E/33	15S/24E/36
15S/22E/05	15S/23E/01	
16S/21E/04	16S/21E/21	16S/22E/11
16S/21E/05	16S/22E/01	16S/22E/33
16S/21E/07	16S/22E/02	16S/22E/34
16S/21E/16	16S/22E/03	

17S/22E/05

6802. Pesticide Management Zones., continued(d) Pesticide Management Zones for simazine are listed below:*Mount Diablo Meridian*Glenn County

18N/03W/05	18N/03W/07	18N/03W/18
19N/03W/03	19N/03W/08	19N/03W/10
19N/03W/07	19N/03W/09	19N/03W/17
20N/03W/09	20N/03W/25	20N/03W/34

Madera County

08S/20E/34	09S/20E/02
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Mendocino County

15N/12W/16

Merced County

06S/12E/32

07S/13E/36

08S/13E/01

San Joaquin County

02S/05E/13	02S/06E/19
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Stanislaus County

04S/09E/10	04S/09E/20	04S/09E/22
04S/09E/15	04S/09E/21	04S/09E/23
04S/09E/16		

Tehama County

25N/03W/23

26N/03W/35

Tulare County

15S/25E/05	15S/25E/08	
16S/23E/01	16S/24E/16	16S/25E/05
16S/24E/01	16S/24E/22	16S/25E/06
16S/24E/03	16S/24E/24	16S/25E/18

6802. Pesticide Management Zones., continued(d) Pesticide Management Zones for *simazine* are listed below:*Mount Diablo Meridian*Tulare County

16S/24E/04	16S/24E/25	16S/25E/19
16S/24E/05	16S/24E/26	16S/25E/21
16S/24E/08	16S/24E/27	16S/25E/28
16S/24E/09	16S/24E/33	16S/25E/29
16S/24E/10	16S/24E/34	16S/25E/31
16S/24E/12	16S/24E/36	16S/25E/32
16S/24E/13	16S/25E/04	16S/25E/34
17S/25E/02	17S/26E/13	17S/26E/29
17S/25E/03	17S/26E/14	17S/26E/30
17S/25E/04	17S/26E/18	17S/26E/31
17S/25E/05	17S/26E/19	17S/26E/32
17S/25E/11	17S/26E/20	17S/26E/33
17S/25E/12	17S/26E/21	17S/26E/34
17S/25E/13	17S/26E/23	17S/26E/35
17S/25E/23	17S/26E/26	17S/26E/36
17S/25E/24	17S/26E/27	17S/27E/29
17S/25E/25	17S/26E/28	17S/27E/31
17S/25E/36		
18S/24E/31	18S/26E/22	18S/27E/09
18S/25E/01	18S/26E/23	18S/27E/10
18S/25E/12	18S/26E/24	18S/27E/11
18S/25E/13	18S/26E/25	18S/27E/15
18S/26E/01	18S/26E/26	18S/27E/16
18S/26E/02	18S/26E/27	18S/27E/17
18S/26E/04	18S/26E/28	18S/27E/18
18S/26E/06	18S/26E/33	18S/27E/19
18S/26E/09	18S/26E/35	18S/27E/20
18S/26E/14	18S/26E/36	18S/27E/29
18S/26E/16	18S/27E/02	18S/27E/30
18S/26E/21	18S/27E/08	18S/27E/31
19S/26E/01	19S/26E/15	19S/26E/36
19S/26E/02	19S/26E/23	19S/27E/18
19S/26E/04	19S/26E/24	19S/27E/19
19S/26E/10	19S/26E/25	19S/27E/29
19S/26E/11	19S/26E/26	19S/27E/30
19S/26E/12	19S/26E/34	19S/27E/31
19S/26E/13	19S/26E/35	19S/27E/32

6802. Pesticide Management Zones., continued(d) Pesticide Management Zones for simazine are listed below:*Mount Diablo Meridian*Tulare County

19S/26E/14

20S/26E/01	20S/26E/25	20S/27E/16
20S/26E/02	20S/26E/35	20S/27E/18
20S/26E/03	20S/26E/36	20S/27E/29
20S/26E/11	20S/27E/06	20S/27E/30
20S/26E/12	20S/27E/07	20S/27E/31
20S/26E/24	20S/27E/08	20S/27E/32

21S/26E/28	21S/27E/06	21S/29E/14
21S/26E/32	21S/27E/08	21S/29E/15
21S/26E/33	21S/27E/17	21S/29E/16
21S/26E/34	21S/29E/09	

22S/26E/02	22S/26E/12	22S/27E/07
22S/26E/03	22S/26E/13	22S/27E/18
22S/26E/11	22S/27E/06	22S/27E/34

23S/26E/09	23S/27E/03	
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24S/25E/13	24S/25E/25	24S/26E/07
24S/25E/24	24S/25E/36	24S/26E/30

Yolo County

08N/01E/02 08N/01E/14

09N/01E/36

*San Bernardino Meridian*Los Angeles County

01N/09W/35	01S/11W/11	01S/11W/14
01S/11W/10		

02S/11W/05	02S/12W/14	02S/12W/26
02S/11W/07	02S/12W/15	02S/12W/27
02S/11W/08	02S/12W/16	02S/12W/28
02S/11W/18	02S/12W/21	02S/12W/29
02S/11W/19	02S/12W/22	02S/12W/30
02S/12W/01	02S/12W/23	02S/12W/33

6802. Pesticide Management Zones., continued(d) Pesticide Management Zones for simazine are listed below:*San Bernardino Meridian*Los Angeles County

02S/12W/12	02S/12W/24	02S/12W/35
02S/12W/13	02S/12W/25	
03S/12W/01	03S/12W/04	03S/12W/05
03S/12W/02	03S/12W/03	03S/12W/12
04N/15W/21		

Orange County

03S/09W/27	03S/09W/32	03S/09W/34
03S/09W/28	03S/09W/33	
04S/09W/03	04S/09W/18	04S/10W/14
04S/09W/04	04S/10W/01	04S/10W/24
04S/09W/05	04S/10W/03	04S/10W/25
04S/09W/07	04S/10W/04	

Riverside County

02S/04W/07	02S/05W/12	02S/05W/21
02S/04W/17	02S/05W/20	02S/07W/36
03S/04W/30	03S/06W/15	03S/06W/31
03S/04W/31	03S/06W/22	03S/06W/23
03S/05W/06	03S/06W/28	03S/07W/25
03S/06W/14		

San Bernardino County

01S/04W/32		
02S/04W/05	02S/04W/06	

Ventura County

02N/19W/19	02N/20W/23	02N/20W/26
02N/19W/30	02N/20W/25	

6802. Pesticide Management Zones., continued(e) Pesticide Management Zones for *bromacil* are listed below:*Mount Diablo Meridian*Butte County

21N/01E/01

Contra Costa County

02N/02W/14

Fresno County

13S/22E/06

13S/23E/24

13S/23E/28

13S/22E/33

13S/23E/26

13S/23E/31

13S/22E/36

13S/23E/27

13S/23E/33

14S/21E/25

14S/22E/12

14S/22E/33

14S/22E/01

14S/22E/14

14S/24E/36

15S/22E/05

15S/24E/10

15S/24E/25

15S/22E/09

15S/24E/11

15S/24E/33

15S/23E/06

15S/24E/13

15S/24E/36

15S/24E/01

15S/24E/14

16S/22E/33

Placer County

15N/10E/04

San Joaquin County

01S/06E/12

01S/06E/13

02S/05E/23

Tehama County

25N/03W/24

Tulare County

15S/25E/05

16S/23E/01

16S/24E/12

16S/25E/06

16S/24E/01

16S/24E/13

16S/25E/08

16S/24E/04

16S/24E/16

16S/25E/09

16S/24E/06

16S/24E/22

16S/25E/21

16S/24E/09

16S/24E/26

16S/25E/28

16S/24E/10

16S/25E/04

16S/25E/32

6802. Pesticide Management Zones., continued(e) Pesticide Management Zones for *bromacil* are listed below:*Mount Diablo Meridian*Tulare County

17S/25E/11	17S/26E/18	17S/26E/29
17S/25E/13	17S/26E/19	17S/26E/30
17S/25E/23	17S/26E/20	17S/26E/31
17S/25E/24	17S/26E/24	17S/26E/32
17S/25E/25	17S/26E/26	17S/26E/33
17S/25E/36	17S/26E/28	17S/26E/35
18S/23E/36	18S/26E/26	18S/27E/16
18S/25E/01	18S/26E/34	18S/27E/17
18S/25E/12	18S/26E/35	18S/27E/18
18S/26E/02	18S/26E/36	18S/27E/20
18S/26E/06	18S/27E/02	18S/27E/29
18S/26E/23	18S/27E/08	18S/27E/30
18S/26E/24	18S/27E/09	
19S/26E/01	19S/26E/15	19S/26E/35
19S/26E/02	19S/26E/23	19S/26E/36
19S/26E/11	19S/26E/26	19S/27E/19
19S/26E/12	19S/26E/34	19S/27E/31
19S/26E/14		
20S/26E/02	20S/27E/09	20S/27E/20
20S/26E/11	20S/27E/10	20S/27E/21
20S/26E/12	20S/27E/16	20S/27E/29
20S/26E/25	20S/27E/17	20S/27E/30
20S/27E/06	20S/27E/18	20S/27E/31
20S/27E/07	20S/27E/19	20S/27E/32
20S/27E/08		
21S/29E/10		
22S/26E/11	22S/27E/18	

6802. Pesticide Management Zones., continued(e) Pesticide Management Zones for bromacil are listed below:*San Bernardino Meridian*Los Angeles County

01S/08W/03 01S/08W/05

Orange County

04S/09W/03

Riverside County

03S/04W/30 03S/06W/14 03S/06W/23

03S/04W/31 03S/06W/15

Ventura County

02N/19W/19 02N/20W/23 02N/20W/26

02N/19W/30 02N/20W/24

(f) Pesticide Management Zones for diuron are listed below:*Mount Diablo Meridian*Fresno County

12S/20E/01

13S/22E/06 13S/23E/26 13S/23E/32

13S/22E/33 13S/23E/27 13S/23E/33

13S/22E/36 13S/23E/28 13S/23E/34

13S/23E/24 13S/23E/31

14S/21E/13 14S/22E/14 14S/23E/32

14S/21E/20 14S/22E/19 14S/23E/33

14S/21E/36 14S/22E/20 14S/23E/34

14S/22E/01 14S/22E/31 14S/23E/35

14S/22E/03 14S/22E/33 14S/24E/35

14S/22E/12 14S/23E/22 14S/24E/36

14S/22E/13 14S/23E/28

15S/21E/04 15S/23E/02 15S/24E/13

15S/21E/05 15S/23E/06 15S/24E/14

15S/21E/13 15S/23E/07 15S/24E/23

15S/21E/14 15S/23E/12 15S/24E/25

15S/22E/05 15S/24E/01 15S/24E/31

15S/22E/15 15S/24E/10 15S/24E/33

15S/22E/30 15S/24E/11 15S/24E/36

6802. Pesticide Management Zones., continued(f) Pesticide Management Zones for *diuron* are listed below:*Mount Diablo Meridian*Fresno County

15S/23E/01 15S/24E/12

16S/22E/01 16S/22E/34

Glenn County

19N/02W/09

Kern County

28S/25E/14

Madera County

08S/20E/34

Merced County

09S/12E/25 09S/12E/36

San Joaquin County

02S/05E/24 02S/06E/19

Stanislaus County

04S/07E/29 04S/09E/22 04S/09E/23

04S/07E/30

Tehama County

26N/03W/35

Tulare County

15S/25E/05 15S/25E/08

16S/24E/01 16S/24E/15 16S/25E/06

16S/24E/03 16S/24E/16 16S/25E/09

16S/24E/04 16S/24E/22 16S/25E/16

16S/24E/05 16S/24E/24 16S/25E/18

16S/24E/09 16S/24E/26 16S/25E/19

16S/24E/10 16S/24E/33 16S/25E/21

16S/24E/11 16S/24E/35 16S/25E/28

16S/24E/12 16S/24E/36 16S/25E/29

16S/24E/13 16S/25E/04 16S/25E/32

16S/24E/14 16S/25E/05

6802. Pesticide Management Zones., continued(f) Pesticide Management Zones for diuron are listed below:*Mount Diablo Meridian*Tulare County, continued

17S/24E/01	17S/25E/36	17S/26E/25
17S/25E/03	17S/26E/21	17S/26E/26
17S/25E/04	17S/26E/28	17S/26E/27
17S/25E/05	17S/26E/29	17S/26E/30
17S/25E/11	17S/26E/33	17S/26E/31
17S/25E/12	17S/26E/18	17S/26E/32
17S/25E/13	17S/26E/19	17S/26E/35
17S/25E/23	17S/26E/20	17S/26E/36
17S/25E/24	17S/26E/23	17S/27E/31
17S/25E/25	17S/26E/24	
18S/24E/31	18S/26E/24	18S/27E/14
18S/25E/01	18S/26E/25	18S/27E/16
18S/25E/12	18S/26E/26	18S/27E/17
18S/25E/13	18S/26E/33	18S/27E/18
18S/26E/01	18S/26E/35	18S/27E/19
18S/26E/02	18S/26E/36	18S/27E/20
18S/26E/04	18S/27E/02	18S/27E/21
18S/26E/06	18S/27E/10	18S/27E/29
18S/26E/09	18S/27E/11	18S/27E/30
18S/26E/22	18S/27E/08	18S/27E/31
18S/26E/23	18S/27E/09	
19S/24E/36	19S/26E/10	19S/26E/26
19S/25E/31	19S/26E/11	19S/26E/34
19S/26E/01	19S/26E/14	19S/26E/35
19S/26E/02	19S/26E/15	19S/26E/36
19S/26E/12	19S/26E/23	19S/27E/18
19S/26E/04	19S/26E/24	19S/27E/19
20S/26E/01	20S/26E/25	20S/27E/17
20S/26E/02	20S/26E/35	20S/27E/18
20S/26E/03	20S/27E/06	20S/27E/30
20S/26E/11	20S/27E/07	20S/27E/31
20S/26E/24	20S/27E/08	
21S/26E/03	21S/26E/32	21S/29E/14
21S/26E/21	21S/26E/36	21S/29E/15
21S/26E/27	21S/29E/10	21S/29E/16

6802. Pesticide Management Zones., continued(f) Pesticide Management Zones for diuron are listed below:*Mount Diablo Meridian*Tulare County, continued

22S/26E/02	22S/26E/13	22S/27E/07
22S/26E/10	22S/26E/24	22S/27E/18
22S/26E/11	22S/26E/32	22S/27E/34
22S/26E/12	22S/27E/06	
23S/26E/09	23S/27E/03	

*San Bernardino Meridian*Los Angeles County

02S/11W/05	02S/12W/28	03S/12W/03
02S/12W/21		
02S/12W/29		

Orange County

03S/09W/27	03S/09W/28	03S/09W/34
04S/09W/03	04S/09W/04	

Riverside County

03S/04W/30	03S/06W/14	03S/06W/23
03S/04W/31	03S/06W/22	

San Bernardino County

01S/04W/32

02S/04W/05

(g) Pesticide Management Zones for prometon are listed below:*Mount Diablo Meridian*Contra Costa County

02N/02W/14	02N/02W/24	
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Fresno County

14S/22E/22		
15S/21E/08	15S/22E/16	15S/23E/12

6802. Pesticide Management Zones., continued(g) Pesticide Management Zones for prometon are listed below:*Mount Diablo Meridian*Glenn County

18N/03W/05	18N/03W/18	
19N/03W/08	19N/03W/17	19N/04W/01
19N/03W/09	19N/03W/18	
20N/03W/16	20N/03W/34	

Merced County

08S/13E/01

Tulare County

16S/24E/10		
17S/25E/03	17S/25E/04	17S/27E/31
18S/26E/21	18S/26E/23	18S/27E/16
19S/26E/34		

*San Bernardino Meridian*Los Angeles County

04N/15W/21

(h) Pesticide Management Zones for norflurazon are listed below:*Mount Diablo Meridian*Fresno County

14S/22E/12	14S/23E/26	14S/23E/33
14S/23E/22	14S/23E/28	
15S/23E/02		
15S/23E/12		

6802. Pesticide Management Zones., continued

(h) Pesticide Management Zones for norflurazon are listed below:

Mount Diablo Meridian

Tulare County

16S/24E/12

16S/24E/14

19S/26E/16

21S/27E/05

NOTE: Authority cited: Sections 11456, 12976 and 13145, Food and Agricultural Code.

Reference: Section 13145, Food and Agricultural Code.

6804. Specific Numerical Values.

Specific numerical values required by Food and Agricultural Code section 13144(a) are established as follows:

- (a) Water solubility--3 ppm
- (b) Soil adsorption coefficient (Koc)--1900 cm³/gm
- (c) Hydrolysis--14 days half-life
- (d) Aerobic soil metabolism--610 days half-life
- (e) Anaerobic soil metabolism--9 days half-life

NOTE: Authority cited: Sections 11456 and 13145, Food and Agricultural Code.

Reference: Sections 13144 and 13145, Food and Agricultural Code.

6806. Use Reporting.

NOTE: Authority cited: Sections 407, 12976, 13145 and 14102, Food and Agricultural Code.

Reference: Section 13145, Food and Agricultural Code.

6808. Sunset Review of Regulations.

NOTE: Authority Cited: Section 11456, Food and Agricultural Code. Reference: Section 11456, Food and Agricultural Code.

Chapter 4. Environmental Protection

Subchapter 2. Air

Article 1. Toxic Air Contaminants

6860. Toxic Air Contaminants List.

The director designates the following pesticides to be toxic air contaminants:

(a) The following pesticide is designated toxic air contaminant pursuant to Food and Agricultural Code Section 14023:

Ethyl Parathion

Methyl Parathion

S,S,S-tributyl phosphorotrithioate (DEF, tribufos)

(b) The following pesticides are designated toxic air contaminants to implement Food and Agricultural Code Section 14021:

Acrolein

Arsenic acid

Arsenic pentoxide

Arsenic trioxide

Captan

Carbaryl

Chlorine

Chromic acid

m-Creosol

2,4-D salts and esters

1,4-Dichlorobenzene

1,3-Dichloropropene

Dichlorovos

Ethylene oxide

Formaldehyde

Hydrochloric acid

Lindane

Mancozeb

Maneb

Methanol

Methoxychlor

Methyl bromide

Naphthalene

Pentachloronitrobenzene

Pentachlorophenol

Phenol

Phosphorus

Potassium permanganate

Propoxur

Propylene oxide

Sodium cyanide

Sodium dichromate

Trifluralin

Xylene

NOTE: Authority cited: Sections 11456 and 14023, Food and Agricultural Code. Reference: Sections 14021 and 14023, Food and Agricultural Code.

6890. Criteria for Identifying Pesticides as Toxic Air Contaminants.

A pesticide shall be identified as a toxic air contaminant if its concentrations in ambient air are greater than the following levels (for the purposes of this section, a threshold is defined as the dose of a chemical below which no adverse effect occurs):

(a) For pesticides which have thresholds for adverse health effects, this level shall be ten-fold below the air concentration which has been determined by the Director to be adequately protective of human health.

(b) For pesticides which do not have thresholds for adverse health effects, this level shall be equivalent to the air concentration which would result in a ten-fold lower risk than that which has been determined by the director to be a negligible risk.

6890. Criteria for Identifying Pesticides as Toxic Air Contaminants., continued

NOTE: Authority cited: Section 11456, Food and Agricultural Code. Reference: Sections 14021 and 14023, Food and Agricultural Code.

Chapter 4. Environmental Protection
Subchapter 2. Air
Article 2. Volatile Organic Compounds

6895. Prohibition of Use of Weed Oils.

NOTE: Authority cited: Sections 407, 12781 and 12981, Food and Agricultural Code.

Reference: Sections 11501 and 12824, Food and Agricultural Code.

Chapter 4. Environmental Protection
Subchapter 3. Aquatic and Marine Environments
Article 1. Pesticide Contamination Protection

6900. Antifouling Paints or Coatings Containing Tributyltin.

Antifouling paints or coatings that contain tributyltin shall have an average release rate of no more than four micrograms of organotin per square centimeter per day as determined by the EPA testing procedure (ASTM Draft 6).

NOTE: Authority cited: Sections 11456, 12781, 14005 and 14102, Food and Agricultural Code. Reference: Sections 12824, 14005 and 14006, Food and Agricultural Code; and Public Law No. 100-333 (June 16, 1988) 102 Statutes 605.

6910. Prohibition of Use and Sale of Pesticide Products Containing Tributyltin.

- (a) No person shall possess for use or use a pesticide product containing tributyltin for the control of fouling microorganisms (such as bacteria, algae, or fungi) in cooling water systems in the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma for the control of fouling microorganisms (such as bacteria, algae, or fungi) in cooling water systems.
- (b) No person in the counties listed in subsection (a) shall sell to users a pesticide containing tributyltin for the control of fouling microorganisms (such as bacteria, algae, or fungi) in cooling water systems.

NOTE: Authority cited: Sections 12976, 14005 and 14102, California Food and Agricultural Code. Reference: Sections 14005, 14006 and 14102, California Food and Agricultural Code.

6920. Prohibition of Use and Sale of Pesticide Products Containing Copper.

- (a) No person shall possess for use or use a pesticide product containing copper sulfate for the control in sewers and drains, of tree or other plant roots, or fungal slime in the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma.
- (b) No person in the counties listed in subsection (a) shall sell to users a pesticide product containing copper sulfate for the control in sewers, and drains, of tree or other plant roots, or fungal slime.

NOTE: Authority cited: Sections 12976 and 14102, California Food and Agricultural Code. Reference Section 14102, California Food and Agricultural Code.